



**STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL**

**Bill J. Crouch  
Cabinet Secretary**

**BOARD OF REVIEW  
P.O. Box 1736  
Romney, WV 26757  
304-822-6900**

**Jolynn Marra  
Inspector General**

October 6, 2022

[REDACTED]

RE: [REDACTED] v. WVDHHR  
ACTION NO.: 22-BOR-2151

Dear [REDACTED]:

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

In arriving at a decision, the State Hearing Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Health and Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Eric L. Phillips  
State Hearing Officer  
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision  
Form IG-BR-29

cc: Richard Griffey, WVDHHR

**WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
BOARD OF REVIEW**

██████████,

**Appellant,**

**v.**

**Action Number: 22-BOR-2151**

**WEST VIRGINIA DEPARTMENT OF  
HEALTH AND HUMAN RESOURCES,**

**Respondent.**

**DECISION OF STATE HEARING OFFICER**

**INTRODUCTION**

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing was convened on October 5, 2022, on an appeal filed September 20, 2022

The matter before the Hearing Officer arises from the August 8, 2022 decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Richard Griffey, Economic Service Supervisor. The Appellant was self-represented. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Notice of Decision dated August 8, 2022
- D-2 Notice to Register dated June 29, 2022
- D-3 Printout of Case Comments
- D-4 Notice of Work Sanction dated August 8, 2022

**Appellant's Exhibits:**

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

### **FINDINGS OF FACT**

- 1) On June 28, 2022, the Appellant applied for SNAP benefits for herself and her cohabitor.
- 2) On June 29, 2022, the Respondent issued notice to the Appellant informing her that all members of the household were required to register with WorkForce West Virginia (WorkForce). The notice required that verification of work registration be provided to the Respondent by July 28, 2022. (Exhibit D-2)
- 3) The household did not provide verification of their WorkForce registrations by July 28, 2022.
- 4) On August 8, 2022, the Respondent issued notice to all household members documenting that a three-month penalty had been applied to their SNAP benefits for failing to provide the requested WorkForce registration. (Exhibit D-4)
- 5) On August 8, 2022, the Respondent issued notice informing the household that SNAP benefits would terminate effective September 1, 2022, for failing to provide the requested WorkForce registrations. (Exhibit D-1).
- 6) On September 8, 2022, all members of the household provided verification of their registration with WorkForce.

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual § 14.3.1.A documents:

All SNAP recipients must register for employment with WorkForce West Virginia, within 30 days of the date of the original SNAP approval, unless exempt. Recipients must register every 12 months thereafter, regardless of the length of time that WorkForce West Virginia considers the registration valid. Actions which constitute a registration are defined by WorkForce West Virginia and the eligibility system must:

- Match with WorkForce West Virginia. Registration date updated.
- Match the date returned from WorkForce West Virginia is more than 12 months old. The client must register again.

- Match with WorkForce West Virginia with inactive job status and no job preference. The client must choose a job preference and become active to be considered registered.
- Match with WorkForce West Virginia with inactive job status and with job preference. The client must become active to be considered registered.
- Match with WorkForce West Virginia with active job status and no job preference. The client must choose a job preference to be considered registered.

Once the client registers with WorkForce West Virginia for SNAP purposes, he cannot be required to register more often than every 12 months, even when the benefit is opened and closed within the 12-month period. This is tracked through the eligibility system.

The client may register by visiting a WorkForce West Virginia office, or by registering online. The Worker must explain these requirements to the client and enter the registration date in the eligibility system.

A client who fails to comply by the due date established on the notice to register is subject to a SNAP penalty and the Worker must send an adverse action notice.

The penalty is not imposed, and any lost benefits are restored if, before the end of the month in which the adverse notice expires the following occurs:

- The client registers; and
- The client notifies the Department of Health and Human Resources (DHHR) that he has registered. If the Worker independently discovers before the penalty goes into effect that the client has registered before the end of the month in which the adverse notice expires, the penalty may be lifted, and benefits restored. There is no requirement on the Department, however, to attempt to independently verify if the client has registered after the date the penalty is entered into the system.

#### West Virginia Income Maintenance Manual § 14.5.1.B documents:

A client who refuses or fails to register with WorkForce West Virginia is subject to the following penalties for the full penalty period or until he reports a change which makes him exempt from the work requirements.

- First violation: The client is removed from the assistance group (AG) for at least three months or until he meets an exemption. If after three months, the client has not complied or met an exemption, the penalty continues until he does comply or meets an exemption for some reason other than Unemployment Compensation Insurance (UCI) related activities.
- Second violation: The client is removed from the AG six months or until he meets an exemption. If after six months, the client has not complied or met an exemption, the penalty continues until he does comply or meets an exemption for some reason other than UCI-related activities.

- Third and subsequent violations: The client is removed from the AG for 12 months or until he meets an exemption. If after the 12 months, the client has not complied or met an exemption, the penalty continues until he does comply or meets an exemption for some reason other than UCI-related activities.

## **DISCUSSION**

Policy governs that to maintain eligibility for SNAP benefits, a recipient must register with WorkForce within 30 days of initial benefit approval, unless otherwise exempt. The penalty for failing to register with WorkForce is removal from the assistance group for three months for the first offense, removal from the assistance group for six months for the second offense, and removal from the assistance group for twelve months for all third and subsequent violations. All penalties remain in effect until the individual complies with or meets an exemption to the work requirements.

The Respondent had to prove by a preponderance of the evidence that the Appellant failed to register with WorkForce, or meet an exemption to the requirement, by August 31, 2022, the month prior to the effective date of the termination of SNAP benefits.

Testimony revealed that the Appellant applied for SNAP benefits on June 28, 2022. On June 29, 2022, the Respondent issued notice to the Appellant and her cohabitor informing them of the requirement to provide verification of their WorkForce registration by July 28, 2022. Neither the Appellant nor her cohabitor provided the requested verifications by the due date, resulting in a termination of SNAP benefits effective August 31, 2022.

The Appellant testified that she recently relocated to West Virginia and is unfamiliar with SNAP procedures. The Appellant indicated that she did not receive the notices informing her of the requirements to register with WorkForce but did receive the notice informing her of the termination of SNAP benefits. Upon receipt of the termination notice, the Appellant spoke with the Respondent on September 6, 2022 and September 9, 2022 (Exhibit D-3). The Respondent verified the Appellant's mailing address and noted that the previous notices (Exhibit D-2) were not returned as undeliverable by the United States Postal Service. On September 9, 2022, all members of the household provided verification of their registration with WorkForce.

Based on a review of evidence, the Respondent properly notified the Appellant of the responsibility to meet the work requirement and the imposition of the penalty which resulted in the termination of SNAP benefits. Because the household failed to comply with the work requirements by August 31, 2022, prior to the imposition of the penalty, the Respondent was correct in its decision to terminate SNAP benefits.

## **CONCLUSIONS OF LAW**

- 1) SNAP recipients must meet work registration requirements with WorkForce West Virginia yearly to maintain eligibility for the program.

- 2) A penalty was applied to the Appellant's SNAP benefits when she and her cohabitor failed to register with WorkForce West Virginia prior to the penalty effective date of September 1, 2022.
- 3) The household is ineligible to receive SNAP benefits until the minimum penalty is served or an exemption is met.

### **DECISION**

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program benefits.

**ENTERED this \_\_\_\_\_ day of October 2022.**

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Eric L. Phillips  
**State Hearing Officer**