



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

Bill J. Crouch  
Cabinet Secretary

Board of Review  
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Sheila Lee  
Interim Inspector General

November 28, 2022



RE: [REDACTED] v. WVDHHR  
ACTION NO.: 22-BOR-2262

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 Board of Review 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 that may be taken if you disagree with the decision reached in this matter.

Sincerely,

Tara B. Thompson, MLS  
State Hearing Officer  
State Board of Review

Enclosure: Recourse to Administrative Hearing Decision  
Form IG-BR-29

CC: Carrie Casto, [REDACTED] DHHR

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

██████████,

**Appellant,**

v.

**ACTION NO.: 22-BOR-2262**

**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 of Chapter 700 of the West Virginia Department of Health and Human Resources' (DHHR) Common Chapters Manual. This fair hearing was convened November 15, 2022, on an appeal filed with the Board of Review on October 12, 2022.

The matter before the Hearing Officer arises from the Respondent's September 9, 2022 decision to terminate the Appellant's Supplemental Nutrition Assistance Program benefits.

At the hearing, the Respondent appeared by David Griffin, ██████████ DHHR. The Appellant appeared *pro se*. All witnesses were sworn in and the following exhibits were entered as evidence.

**Department's Exhibits:**

- D-1 DHHR Notice, dated August 2, 2022
- D-2 DHHR Notice, dated September 8, 2022
- D-3 DHHR Notice, dated September 9, 2022
- D-4 Case Comments, dated September 7 through October 12, 2022
- D-5 West Virginia Income Maintenance Manual (WVIMM) Policy Excerpt

**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 following Findings of Fact are set forth.

### **FINDINGS OF FACT**

- 1) The Appellant was a recipient of SNAP benefits.
- 2) On September 9, 2022, the Respondent issued a notice advising the Appellant her SNAP benefits would stop, after September 30, 2022, because the Appellant failed to register with WorkForce West Virginia (hereafter, WorkForce) (Exhibit D-3).
- 3) On August 2, 2022, the Respondent issued a notice advising the Appellant that she was required to register with WorkForce and contact the Respondent by August 31, 2022 (Exhibit D-1).
- 4) The August 2, 2022 notice advised, "If you don't follow these rules, your SNAP benefits may decrease or end" (Exhibit D-1).
- 5) On September 8, 2022, the Respondent issued a notice advising the Appellant she would not be eligible for SNAP benefits for six months because a second SNAP ineligibility penalty was applied (Exhibit D-2).
- 6) The September 8, 2022 notice advised that the penalty was because of "failure to register w/BEP" (Exhibit D-2).
- 7) The Appellant did not register with WorkForce and notify the Respondent of her registration by August 31, 2022 (Exhibit D-4).
- 8) On September 19, 2022, the Appellant registered with WorkForce (Exhibit D-4).
- 9) The Appellant did not notify the Respondent of her WorkForce registration before the onset of the SNAP penalty period (Exhibit D-4).
- 10) On October 4, 2022, the Appellant notified the Respondent she was having trouble with her mail (Exhibit D-4).

### **APPLICABLE POLICY**

**West Virginia Income Maintenance Manual (WVIMM) § 1.2.4 provides in pertinent part:**

The client's responsibility is to provide complete and accurate information about her circumstances so that the Worker is able to make a correct determination about her eligibility.

**§ 14.3.1.A provides in pertinent part:**

All individuals must register for employment with WorkForce West Virginia within 30 days of the date of the original approval, unless exempt. Clients must register every 12 months thereafter. 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 DHHR that he has registered.

**WVIMM §§ 14.2, 14.2.1.A provide in pertinent parts:**

Unless an exemption is established, all SNAP clients are subject to a work requirement — including completing registration with WorkForce West Virginia.

**WVIMM § 14.5.1 provides in pertinent parts:**

A SNAP penalty is imposed when clients do not comply with a work requirement and do not have good cause.

When determining the correct number of penalties, the Worker must look at the total number of penalties previously served, not just the number of penalties for each work requirement.

- Second violation: The client is removed from the AG for six months or until he meets an exemption. If the client does not meet an exemption prior to the end of the penalty, he is added back into the active AG after six months. A one-person AG must reapply to establish eligibility

**DISCUSSION**

The Respondent imposed a SNAP ineligibility penalty and terminated the Appellant's SNAP benefits, after September 30, 2022. The Appellant contested the Respondent's SNAP termination and implementation of a SNAP ineligibility penalty. The Respondent had to prove by a preponderance of the evidence that the Appellant failed to register with WorkForce and notify the Respondent of her registration by the required date. No evidence was entered to establish that the Appellant met an exemption from the SNAP work requirement.

The Appellant was required to register with WorkForce by August 31, 2022. The evidence revealed that the Appellant did not register with WorkForce until September 19, 2022. Pursuant to the policy, if the Appellant had registered and notified the Respondent of her registration before the end of September — the month the adverse notice expired — a SNAP ineligibility penalty would not have been imposed.

The policy requires the Appellant to register with WorkForce and notify the Respondent of her registration before the onset of the penalty period. No evidence was entered to verify the Appellant advised the Respondent of her September 19, 2022 WorkForce registration before October 4, 2022. During the hearing, the Appellant testified that she registered with WorkForce but did not contact the Respondent due to dealing with stressors related to her medical conditions and ongoing legal issues with theft. The Appellant also testified she did not know she was required to notify the Respondent of her registration because she did not receive her mail.

During the hearing, the Appellant argued that she has had issues not receiving her mail for two years due to having her mail repeatedly stolen. The Appellant testified that she has filed legal and postal complaints due to the issue. No evidence was entered to establish when the Appellant filed a legal complaint regarding her mail issues or the length of time the Appellant has had mail issues due to theft. No evidence was entered to indicate that the Appellant advised the Respondent of her issues before October 4, 2022. The Appellant has a responsibility to provide correct information to the Respondent about her circumstances so that the Appellant's record is correct. The Respondent is required to issue notices to the Appellant's recorded address. No evidence was submitted to indicate that the Appellant had requested the Respondent to facilitate an alternative notice delivery.

### **CONCLUSIONS OF LAW**

- 1) The Appellant was required to register with WorkForce and notify the Respondent of her registration by August 31, 2022.
- 2) The Appellant did not register with WorkForce until September 19, 2022 and did not notify the Respondent of her registration.
- 3) The preponderance of the evidence demonstrated that the Respondent correctly applied a SNAP ineligibility penalty due to the Appellant's failure to register with WorkForce by the required date.
- 4) The Respondent correctly terminated the Appellant's SNAP benefits after September 30, 2022.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to terminate the Appellant's SNAP benefits due to the imposition of a SNAP ineligibility penalty.

ENTERED this 28<sup>th</sup> day of November 2022.

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**Tara B. Thompson, MLS**  
State Hearing Officer