



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

**Bill J. Crouch
Cabinet Secretary**

**BOARD OF REVIEW
Raleigh County DHHR
407 Neville Street
Beckley, WV 25801**

**Sheila Lee
Interim Inspector General**

November 16, 2022

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 22-BOR-2316

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,

Kristi Logan
Certified State Hearing Officer
Member, State Board of Review

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

cc: Ashley Adams, [REDACTED] DHHR

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

██████████,

Appellant,

v.

Action Number: 22-BOR-2316

**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 November 15, 2022, on an appeal filed October 18, 2022.

The matter before the Hearing Officer arises from the September 13, 2022, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Ashley Adams, Economic Service Worker. The Appellant was self-represented. Appearing as a witness for the Appellant was ██████████, his niece. All witnesses were sworn in, and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Board of Review Scheduling Order
- D-2 Hearing Request Notification Form
- D-3 Hearing Request received October 18, 2022
- D-4 Combined Work Notice (CWN1) dated August 12, 2022
- D-5 Notice of SNAP Penalty dated September 13, 2022
- D-6 Case Comments from August – October 2022
- D-7 Email from WorkForce WV dated September 20, 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) The Appellant was a recipient of SNAP benefits.
- 2) The Respondent issued a Combined Work Notice to the Appellant on August 12, 2022, advising him that he was required to register with WorkForce WV, or report an exemption, by September 10, 2022, to continue receiving SNAP benefits (Exhibit D-4).
- 3) The Respondent notified the Appellant on September 13, 2022, that a penalty had been imposed against his SNAP benefits when he had not registered with WorkForce WV (Exhibits D-5 and D-6).
- 4) The Appellant's SNAP benefits were terminated effective September 30, 2022, as he is the only member of his assistance group (AG).
- 5) The Appellant created a Job Seeker account with WorkForce WV on or around September 20, 2022 (Exhibit D-7).
- 6) WorkForce WV's online database did not show that his registration was completed until October 17, 2022 (Exhibit D-76).
- 7) The Appellant has no prior work registration penalties.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §14.3.1.A states 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, regardless of the length of time that WorkForce West Virginia considers the registration valid.

The Consolidated Work Notice (CWN) is sent to the SNAP AG when an individual(s) is required to register with job service through Workforce WV. The CWN details who must register and the due date of registration. The CWN also explains why the individual(s) is required to register and how to register. 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 Supplemental Nutrition Assistance Program (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.

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 §14.2.1.B states the following SNAP clients are exempt from the SNAP work requirements and are not subject to a SNAP penalty for failure to comply:

- A person under age 16.
- A person age 16 or 17 who is not the SNAP payee or primary person.
- A person age 16 or 17 who is attending school or enrolled in an employment training program on at least a half-time basis.
- A person enrolled at least half-time in any recognized school, recognized training program, or institution of higher education.
- **A person age 60 or over** (emphasis added).
- A parent, or other member of the AG who has the responsibility for the care of a child under the age of six, or of an incapacitated and/or disabled individual.
- Individuals receiving Unemployment Compensation Insurance (UCI) from any state.
- Individuals who are physically or mentally unfit to engage in full-time employment.
- Regular participants in a drug addiction or alcoholic treatment and rehabilitation program, either on a resident or non-resident basis.

- Individuals who are employed or self-employed and working a minimum of 30 hours per week, or who are receiving weekly earnings equal to the federal minimum wage multiplied by 30 hours.
- Individuals who receive WV WORKS and do not meet any of the other SNAP exemptions listed above, so long as they are subject to, and complying with, a WV WORKS work requirement.

West Virginia Income Maintenance Manual §14.5.1.B states a client who refuses or fails to register with Workforce West Virginia, refuses employment, or refuses to provide information about employment status and job availability 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/she meets an exemption. If after three months, the client has not complied or met an exemption, the penalty continues until he/she 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 for six months or until he/she meets an exemption. If after six months, the client has not complied or met an exemption, the penalty continues until he/she 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 twelve months or until he/she meets an exemption. If after 12 months, the client has not complied or met an exemption, the penalty continues until he/she does comply or meets an exemption for some reason other than UCI-related activities.

DISCUSSION

Pursuant to policy, an individual must register with Workforce WV within 30 days of the date of initial SNAP approval and every 12 months thereafter as a condition of eligibility to receive SNAP benefits, unless exempt. An individual who fails to comply by the due date established on the notice to register is subject to a SNAP penalty.

The Respondent mailed the Combined Work Notice to the Appellant on August 12, 2022, advising that he was required to register with WorkForce WV by September 10, 2022, to continue receiving SNAP benefits. The Appellant's SNAP benefits were terminated effective September 30, 2022, when he failed to register by the established due date.

The Appellant testified that he registered in September 2022, and submitted an email to the Respondent on October 18, 2022, from WorkForce WV showing that he had enrolled in a Job Seeker account. The Appellant stated he believed he met the age exemption as he is 56 years old.

Pursuant to policy, actions which constitute an active registration are defined by WorkForce WV and these actions are sent to the Respondent's eligibility system. Based upon the email the Appellant provided from WorkForce WV, the Appellant opened an account with WorkForce, but

he did not fully complete his work registration until October 17, 2022, after the SNAP penalty went into effect. Furthermore, the Appellant must adhere to work requirements to receive SNAP until he attains the age of 60.

Whereas the Appellant did not complete his work registration with WorkForce until after the effective date of the penalty, the Respondent's decision to terminate the Appellant's SNAP benefits is affirmed.

CONCLUSIONS OF LAW

- 1) SNAP recipients must register with Workforce WV yearly to receive SNAP benefits.
- 2) A penalty was applied to the Appellant's SNAP benefits when he failed to register with Workforce WV by the deadline established by the Respondent.
- 3) The Appellant registered with Workforce WV subsequent to the effective date of the SNAP penalty.
- 4) The Appellant will be excluded from participation in SNAP for the minimum period penalty of three (3) months.

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 16th day of November 2022.

Kristi Logan
Certified State Hearing Officer