



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW  
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Jeffrey H. Coben, M.D.  
Interim Cabinet Secretary

Sheila Lee  
Interim Inspector General

December 16, 2022



RE: [REDACTED] v. WVDHHR  
ACTION NO.: 22-BOR-2330

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: Recourse to Hearing Decision  
Form IG-BR-29

cc: Richard Griffey, WVDHHR

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

**[REDACTED], JR.,**

**Appellant,**

**v.**

**Action Number: 22-BOR-2330**

**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 [REDACTED], Jr.. 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 originally scheduled for November 10, 2022, on an appeal filed October 21, 2022. The Appellant failed to appear for the originally scheduled hearing and provided good cause for his absence. The hearing was convened on December 14, 2022.

The matter before the Hearing Officer arises from the July 15, 2022 decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits effective July 31, 2022.

At the hearing, the Respondent appeared by Richard Griffey, Economic Service Supervisor. The Appellant was represented by his mother, [REDACTED].

All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Printout of Case Comments dated July 14, 2022
- D-2 CLSR dated May 23, 2022
- D-3 Notice of SNAP Work Rules dated June 13, 2022
- D-4 Notice of Decision dated July 15, 2022
- D-5 Notice of Penalty dated July 15, 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) On May 23, 2022, the Appellant completed a CSLR review (Exhibit D-2) as a recertification for SNAP benefits.
- 3) At recertification, the Appellant listed his address as [REDACTED].
- 4) On June 13, 2022, the Respondent issued notice to the Appellant informing him of the requirement to register with WorkForce West Virginia (WorkForce) (Exhibit D-3) by July 10, 2022.
- 5) As of July 14, 2022, the Appellant had not provided the requested WorkForce registration.
- 6) On July 15, 2022, the Respondent issued notice (Exhibit D-5) to the Appellant that a third work requirement penalty had been imposed on his SNAP benefits and his benefits would remain terminated for twelve months or until compliance with the work registration requirements.
- 7) On July 15, 2022, the Respondent issued notice to the Appellant informing him that his SNAP benefits would terminate effective August 1, 2022, for failing to provide the requested WorkForce registration. (Exhibit D-4)
- 8) The Appellant changed his address to [REDACTED] in October 2022.

## **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 every 12 months, 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 prior to July 31, 2022, the month prior to the effective date of the termination of SNAP benefits.

The Appellant was required to provide registration of his compliance with the WorkForce requirements by July 10, 2022. On July 15, 2022, the Respondent imposed a third work penalty, which subsequently terminated the Appellant's SNAP benefits for twelve months, based on his failure to provide the requested work requirement documentation. Richard Griffey, Economic Service Supervisor, testified that the Appellant completed a recertification for SNAP benefits in May 2022, in which he confirmed his address to receive Department correspondence as [REDACTED]. Mr. Griffey indicated that all corresponding documentation related to the work registration requirements, including the Notice to Register (Exhibit D-3), Notice of Penalty (Exhibit D-5), and Notice of Termination (Exhibit D-4) were issued to the confirmed address. In October 2022, the Appellant reported a change of his address to [REDACTED].

██████████, the Appellant’s representative testified that the Appellant receives mail at “community mailbox” and receipt of his mail is not guaranteed. ██████████ denied that the Appellant received any of the correspondence from the Department but maintain that he complied with the work registration requirement in June 2022. ██████████ related that the Appellant attempted to change his address with the United States Postal Service to ensure mail delivery to an individualized mailbox, but his mail delivery still occurs at the “community mailbox.” At the hearing, the Appellant’s representative reported her post office box as an alternative address for her son in an effort to ensure delivery of future correspondence from the Respondent.

After a review of all evidence pertaining to the issue, the Respondent issued all documentation related to the Appellant’s work registration requirements to the reported address confirmed in May 2022. While it is unfortunate that the Appellant was unsuccessful in attempting to change his address to a more secure situation, those efforts came some three months after the imposition of the sanction and termination of benefits. While the Appellant’s representative maintains that a compliance with a work registration requirement occurred in June 2022, there was no supporting testimony to corroborate that the Appellant attempted to notify the Respondent of such compliance. The governing policy related to the work requirement rules documents that the Department has no responsibility to independently verify a WorkForce registration after a penalty is imposed. Because the Appellant did not comply with the work registration requirement prior to the sanction imposition date of July 31, 2022, 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 he failed to comply with the work registration requirements prior to the penalty effective date of August 1, 2022.
- 3) The Appellant failed to comply with the work registration requirements and 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 December 2022.**

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**Eric L. Phillips  
State Hearing Officer**