



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

**Jeffrey H. Coben, M.D.
Interim Cabinet Secretary**

**Board of Review
State Capitol Complex
Building 6, Room 817-B
Charleston, West Virginia 25305
Telephone: (304) 352-0805 Fax: (304) 558-1992**

**Sheila Lee
Interim Inspector General**

December 15, 2022



RE: [REDACTED] v. WV DHHR
ACTION NO.: 22-BOR-2491

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,

Todd Thornton
State Hearing Officer
Member, State Board of Review

Encl: Recourse to Hearing Decision
Form IG-BR-29

cc: Joshua Fetty, Department Representative

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

██████████,

Appellant,

v.

Action Number: 22-BOR-2491

**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 December 6, 2022, on an appeal filed November 15, 2022.

The matter before the Hearing Officer arises from the October 12, 2022 decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits due to failure to register with WorkForce West Virginia.

At the hearing, the Respondent appeared by Joshua Fetty. The Appellant appeared *pro se*. All witnesses were sworn and the following document was admitted into evidence.

EXHIBITS

Department's Exhibits:

- | | |
|-----|--|
| D-1 | Case Summary |
| D-2 | Notice of decision, dated September 12, 2022 |
| D-3 | Notice of decision, dated October 12, 2022 |
| D-4 | Screen printouts of Case Comments regarding the Appellant's case in the Respondent's data system, entries dated September 9, 2022, through November 15, 2022 |

D-5 Policy excerpts from the West Virginia Income Maintenance Manual (WVIMM)

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 SNAP recipient in a one-person assistance group (AG).
- 2) The Respondent mailed the Appellant a notice dated September 12, 2022 (Exhibit D-2), entitled "SNAP Work Rules" which reads, in pertinent part, "Registering for job service with Workforce WV. Our records show the following people must register for job service by the date listed: [REDACTED] 2022-10-09."
- 3) The Appellant did not register with Workforce West Virginia by the October 9, 2022, deadline.
- 4) The Respondent mailed the Appellant a notice dated October 12, 2022, (Exhibit D-4) which advised the Appellant that his SNAP benefits would stop, effective October 31, 2022, because the Appellant "...failed to register with WorkForce West Virginia."
- 5) The Appellant registered with WorkForce West Virginia on November 14, 2022. (Exhibit D-4)

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter §14.2 states that all SNAP clients are subject to a work requirement, unless exempt.

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...Clients must register every 12 months thereafter, regardless of the length of time that WorkForce West Virginia considers the registration valid..."

West Virginia Income Maintenance Manual §14.5.1.B states that 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

The Appellant has appealed the Respondent's decision to terminate his SNAP benefits due to a work registration sanction. The Respondent must show by a preponderance of the evidence that it properly terminated SNAP benefits on this basis.

There was no dispute of the fact that the Appellant was a recipient of SNAP benefits and was required to register with WorkForce WV. The Respondent contended that it sent notices to the Appellant advising him of these requirements and the deadline for compliance (Exhibit D-2), and the result of the SNAP penalty was termination of his SNAP benefits (Exhibit D-3). The Appellant contended that he did not receive these notices because of an invalid address.

The Appellant reported an address of [REDACTED] at his SNAP application and during the hearing. The Appellant reported that he did not receive notice of his work registration requirements. The Appellant contended that he discovered, at an unknown date, that his mail was not being delivered properly and that he attempted to resolve the problem with his landlord and with the Post Office. The Respondent determined that the notice advising the Appellant of his SNAP closure (Exhibit D-3) was returned by the Post Office, but the notice advising the Appellant of the work requirement (Exhibit D-2) was not. Without clear testimony from the Appellant regarding the date of his mail issue, the Respondent's testimony in this area is more convincing and the work requirement notice (Exhibit D-2) was delivered. Because the notice was delivered properly, the Appellant was required to register with WorkForce West Virginia. Because the Appellant did not do so by the required deadline, the sanction must meet the minimum set by policy.

Because the Respondent properly notified the Appellant of his work registration requirements, it acted properly to apply a work penalty resulting in the termination of the Appellant's SNAP benefits.

CONCLUSIONS OF LAW

- 1) Because the Respondent properly notified the Appellant of his work registration requirements, the Appellant is bound by those requirements.
- 2) Because the Appellant is a SNAP recipient without exemptions, he was required to register with WorkForce WV by October 9, 2022.
- 3) Because the Appellant did not register by this deadline, the Respondent must apply a work registration penalty.
- 4) Because the Appellant's work registration penalty is applied to a one-person SNAP assistance group (AG), the Respondent correctly terminated the Appellant's SNAP benefits on this basis.

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 a work registration sanction.

ENTERED this ____ Day of December 2022.

Todd Thornton
State Hearing Officer