



**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
Raleigh County DHHR
407 Neville Street
Beckley, WV 25801**

**Sheila Lee
Interim Inspector General**

December 15, 2022

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 22-BOR-2546

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: Recourse to Hearing Decision
Form IG-BR-29

cc: Jean Treadway, [REDACTED] DHHR

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

██████████,

Appellant,

v.

Action Number: 22-BOR-2546

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

The matter before the Hearing Officer arises from the September 30, 2022, decision by the Respondent to deny the Appellant's application for Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Jean Treadway, Economic Service Worker. The Appellant was self-represented. The witnesses were sworn in, and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Consolidated Work Notice dated July 11, 2022
- D-3 Notice of SNAP Penalty dated August 10, 2022
- D-4 West Virginia Income Maintenance Manual §14.3.1.A
- D-5 West Virginia Income Maintenance Manual §14.5
- D-6 SNAP Application dated September 28, 2022
- D-7 Notice of SNAP Denial dated September 30, 2022
- D-8 Hearing Request received November 18, 2022
- D-9 Hearing Request Notification Form

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 July 11, 2022, the Respondent issued a Consolidated Work Notice advising the Appellant that he was required to register with WorkForce WV (WorkForce), or meet an exemption, by August 8, 2022, to continue receiving SNAP benefits (Exhibit D-2).
- 3) The Respondent issued a notice on August 10, 2022, advising the Appellant that he would no longer receive SNAP benefits after August 31, 2022, due to the imposition of a work registration penalty (Exhibit D-3).
- 4) The Appellant registered with WorkForce on September 2, 2022, after the effective date of the work registration penalty.
- 5) The Appellant reapplied for SNAP benefits on September 28, 2022 (Exhibit D-6).
- 6) The Respondent issued a notice on September 30, 2022, advising the Appellant that his SNAP application was denied as he was in a work registration penalty (Exhibit D-7).
- 7) The Appellant has one previous work registration penalty from 2015.

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.

- Matched 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 §9.6 states the Consolidated Work Notice (CWN) is the SNAP work requirement notification for the state of West Virginia. The CWN explains the requirements for SNAP members who must comply with either/both the SNAP Basic Work Rules or the Able-Bodied Adults without Dependents (ABAWD) Time Limit Rules. In addition, the CWN provides the AG with their right to a fair hearing, information on non-discrimination and how to contact the state ADA Coordinator if additional assistance is needed.

Individuals who are working enough hours or those who are exempt are not required to comply with work requirements. These individuals are not documented on the CWN. Demographic information entered into the eligibility system determines who must comply with work requirements. The following information is detailed on the CWN:

SNAP Basic Work Rules

- An explanation of the different SNAP work requirements
- What qualifies as an exempt individual
- When and how each individual must register with job service through Workforce WV
- What happens if the work requirement is not followed

- What to do if the individual has a good cause situation
- Penalty periods for not complying with work requirements

ABAWD Time Limit Rules

- Why an individual is considered ABAWD •
- How to meet the ABAWD work requirement Reporting when the individual is no longer meeting the requirement
- Who is exempt from ABAWD • Penalty after receiving 3 months without meeting the requirement What to do if the individual has a good cause situation

The CWN is sent to the SNAP AG after application certification, redetermination, when an individual who was previously exempt is now subject to either work requirement, or when a new individual is added to the SNAP AG and must comply with either work requirement. The CWN is available through the eligibility system and the PATH public portal.

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 every 12 months as a condition of eligibility to receive SNAP benefits, unless exempt. The Respondent imposed a penalty against the Appellant when he failed to register with WorkForce.

The Appellant testified that his home was destroyed by a flood on August 15, 2022, and he lost all his paperwork regarding registration. The Appellant testified that he was only two days late in registering with WorkForce and asked that leniency be granted.

The Respondent sent the CWN to the Appellant on July 11, 2022, notifying him of his responsibility to register with WorkForce by August 8, 2022, to continue receiving SNAP benefits. The Appellant was given ample time to comply with work requirements prior to the September 1, 2022, effective date of the work registration penalty. Once a penalty is imposed, the minimum penalty period must be served, unless an exemption is met.

Policy stipulates that the minimum penalty period for a second work registration penalty is six months. The Respondent denied the Appellant's September 28, 2022, SNAP application as the minimum six-month penalty period had not expired.

Whereas the Respondent acted in accordance with policy and the Board of Review lacks the authority to grant waivers to policy, the Respondent's decision to deny the Appellant's application for SNAP benefits is affirmed.

CONCLUSIONS OF LAW

- 1) Pursuant to policy, a SNAP recipient must register with WorkForce every 12 months to receive SNAP benefits.
- 2) The Appellant failed to register with WorkForce by the deadline established on the Consolidated Work Notice.
- 3) A six-month work registration penalty was imposed against the Appellant effective September 1, 2022.
- 4) The Appellant is ineligible to receive SNAP benefits until the minimum six-month penalty period expires.

DECISION

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

ENTERED this 15th day of December 2022.

Kristi Logan
Certified State Hearing Officer