



**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**

February 7, 2023

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 23-BOR-1032

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: Linda Skeens, [REDACTED] DHHR

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

██████████,

**Appellant,**

**v.**

**Action Number: 23-BOR-1032**

**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 January 31, 2023, on an appeal filed January 3, 2023.

The matter before the Hearing Officer arises from the December 19, 2022, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Linda Skeens, 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 Hearing Request Notification Form
- D-3 Board of Review Scheduling Order dated January 10, 2023
- D-4 Case Comments from December 7, 2022 – January 4, 2023
- D-5 West Virginia Income Maintenance Manual §14.3.1.A
- D-6 Notice of SNAP Penalty dated December 19, 2022
- D-7 Notice of SNAP Termination dated December 19, 2022
- D-8 Combined Work Notice (CWN) dated November 16, 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 mailed the Combined Work Notice on November 16, 2022, advising the Appellant that he was required to register with WorkForce WV, or meet an exemption, by December 15, 2022, to continue receiving SNAP benefits (Exhibit D-8).
- 3) The Respondent imposed a work registration penalty against the Appellant on December 16, 2022, when he failed to register with WorkForce WV (Exhibit D-6).
- 4) The Respondent sent notices to the Appellant on December 19, 2022, advising that he would no longer receive SNAP benefits after December 31, 2022, due to the imposition of the work registration penalty (Exhibits D-6 and D-7).
- 5) The Appellant registered with WorkForce WV on January 3, 2023, after the effective date of the SNAP penalty.
- 6) The Appellant has no previous work registration penalties.

### **APPLICABLE POLICY**

**Code of Federal Regulations 7 CFR §273.7** describes work requirements and SNAP:

#### **(a) Work requirements**

**(1)** As a condition of eligibility for SNAP benefits, each household member who is not exempt under paragraph (b)(1) of this section must comply with the following SNAP work requirements:

**(i)** Register for work or be registered by the State agency at the time of application and every 12 months after initial registration. The member required to register need not complete the registration form.

**(ii)** Participate in a Food Stamp Employment and Training (E&T) program if assigned by the State agency, to the extent required by the State agency;

**(iii)** Participate in a workfare program if assigned by the State agency;

**(iv)** Provide the State agency or its designee with sufficient information regarding employment status or availability for work;

- (v) Report to an employer to whom referred by the State agency or its designee if the potential employment meets the suitability requirements described in paragraph (h) of this section;
- (vi) Accept a bona fide offer of suitable employment, as defined in paragraph (h) of this section, at a site or plant not subject to a strike or lockout, at a wage equal to the higher of the Federal or State minimum wage or 80 percent of the wage that would have governed had the minimum hourly rate under section 6(a)(1) of the Fair Labor Standards Act been applicable to the offer of employment.
- (vii) Do not voluntarily and without good cause quit a job of 30 or more hours a week or reduce work effort to less than 30 hours a week, in accordance with paragraph (j) of this section...

(3) Each State agency will determine the meaning of any other terms used in paragraph (a)(1) of this section; the procedures for establishing compliance with SNAP work requirements; and whether an individual is complying with SNAP work requirements. A State agency must not use a meaning, procedure, or determination that is less restrictive on SNAP recipients than is a comparable meaning, procedure, or determination under the State agency's program funded under title IV-A of the Social Security Act.

#### **(c) State Agency Responsibilities**

(1)(i) The State agency must register for work each household member not exempted by the provisions of paragraph (b)(1) of this section. The State agency must permit the applicant to complete a record or form for each household member required to register for employment in accordance with paragraph (a)(1)(i) of this section. Household members are considered to have registered when an identifiable work registration form is submitted to the State agency or when the registration is otherwise annotated or recorded by the State agency.

(ii) During the certification process, the State agency must provide a written notice and oral explanation to the household of all applicable work requirements for all members of the household and identify which household member is subject to which work requirement. These work requirements include the general work requirement in paragraph (a) of this section, mandatory E&T in paragraph (a)(1)(ii) of this section, and the ABAWD work requirement at §273.24. The written notice and oral explanation must be provided in accordance with (c)(1)(iii) of this section. This written notice and oral explanation must also be provided to the household when a previously exempt household member or a new household member becomes subject to these work requirements, and at recertification.

(iii) The consolidated written notice must include all pertinent information related to each of the applicable work requirements, including: An explanation of each applicable work requirement; which individuals are subject to which work requirement; exemptions from each applicable work requirement; an explanation of the process to request an exemption (including contact information to request an exemption); the rights and responsibilities of each applicable work requirement; what is required to maintain eligibility under each applicable work requirement; pertinent dates by which an individual must take any actions to remain in compliance with each applicable work requirement; the consequences for failure to comply with each applicable work requirement; an explanation of the process for requesting good cause (including examples of good cause circumstances and contact information to initiate a good cause request); and any other information the State agency believes would assist the household members with compliance.

**(f)(2) Disqualification periods.** The following disqualification periods will be imposed:

- (i) For the first occurrence of noncompliance, the individual will be disqualified until the later of: (A) The date the individual complies, as determined by the State agency; (B) One month; or (C) Up to three months, at State agency option.
- (ii) For the second occurrence, until the later of: (A) The date the individual complies, as determined by the State agency; (B) Three months; or (C) Up to six months, at State agency option.
- (iii) For the third or subsequent occurrence, until the later of: (A) The date the individual complies, as determined by the State agency; (B) Six months; (C) A date determined by the State agency; or (D) At the option of the State agency, permanently.

**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.

**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**

Federal regulations stipulate that a recipient must register for work every 12 months, or meet an exemption, as a condition of eligibility to receive SNAP benefits. A recipient who fails to comply with work registration requirements is subject to a SNAP penalty.

The Respondent sent the Combined Work Notice to the Appellant on November 16, 2022, advising of the requirement to register for work with WorkForce WV, by December 15, 2022, to continue receiving SNAP benefits. A penalty was imposed on December 16, 2022, when the Appellant had not completed work registration. The Appellant was notified on December 19, 2022, that he would be ineligible to receive SNAP benefits for a minimum of three months, effective January 1, 2023, due to the imposition of the work registration penalty.

The Appellant testified that he has been homeless for three years and uses his mother's address to receive mail, which he is only able to retrieve once a week. The Appellant did not recall receiving the November 16, 2022 letter requesting that he register and contended that the December 19, 2022 letter did not mention work registration but stated his benefits would continue. The Appellant asked for leeway regarding the work registration since he was only three days late in complying.

The Respondent complied with federal regulations by notifying the Appellant of the work registration requirement, the date he must complete work registration, and the penalties for failure to comply. Pursuant to federal regulations and agency policy, failure to comply with work registration results in an ineligibility to participate in SNAP for a minimum of three months for a first offense, or until compliance, whichever is longer.

Whereas the Board of Review lacks the authority to change federal regulations or agency policy and the Appellant failed to register with WorkForce WV by the deadline established by the Respondent, a work registration penalty must be imposed. The Appellant is ineligible to receive SNAP benefits for three months. Although the Appellant completed work registration after the effective date of the SNAP penalty, he must serve the minimum penalty period.

## **CONCLUSIONS OF LAW**

- 1) Pursuant to federal regulations, a SNAP penalty is imposed if a recipient fails to register by the timeline established by the State agency.

- 2) The Appellant was required to register with WorkForce WV by December 15, 2022.
- 3) The Respondent imposed a penalty against the Appellant on December 16, 2022, when the registration had not been completed.
- 4) The effective date of the work registration penalty was January 1, 2023.
- 5) The Appellant registered with WorkForce on January 3, 2023, after the effective date of the SNAP penalty.
- 6) The Appellant must serve the minimum penalty period of three months as this is his first work registration penalty.

### **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 7<sup>th</sup> day of February 2023.**

---

**Kristi Logan**  
**Certified State Hearing Officer**