



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of the Inspector General
Board of Review**

**Jeffrey H. Coben, MD
Interim Cabinet Secretary**

**Sheila Lee
Interim Inspector General**

February 28, 2023

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 23-BOR-1068

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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

cc: Bonnie Price, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 23-BOR-1068

**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 February 22, 2023.

The matter before the Hearing Officer arises from the decision by the Respondent to terminate Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Bonnie Price, Economic Services Supervisor, WVDHHR. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 SNAP application received by WVDHHR on October 24, 2022
- D-2 Notice of Decision dated December 15, 2022
- D-3 WorkForce West Virginia registration request dated October 26, 2022
- D-4 Case Comments dated October 25, 2022
- D-5 West Virginia Income Maintenance Manual Chapter 3.2.1.B.8
- D-6 West Virginia Income Maintenance Manual Chapter 14.2.1.A
- D-7 West Virginia Income Maintenance Manual Chapter 14.3.1.A
- D-8 Case Comments dated December 14, 2022, and January 13, 2023
- D-9 Returned mail information received by WVDHHR on December 27, 2022
- D-10 WorkForce West Virginia Registration information from Respondent's computer system

Appellant's Exhibits:

- A-1 Copy of envelope sent to Appellant
- A-2 Copy of Hearing Request Notification form
- A-3 Returned mail information received by WVDHHR on December 27, 2022
- A-4 Copy of certified mail envelope sent to Board of Review

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 applied for Supplemental Nutrition Assistance Program (SNAP) benefits on October 24, 2022 (Exhibit D-1).
- 2) The Appellant's address, which was hand-written on his October 2022 SNAP application, was listed as [REDACTED] (Exhibit D-1).
- 3) The Respondent approved expedited SNAP benefits for the Appellant on October 25, 2022, because the Appellant had zero income.
- 4) On October 26, 2022, the Respondent sent the Appellant a notice requesting that he register with WorkForce West Virginia by November 24, 2022 (Exhibit D-3).
- 5) The notice was not returned to the Respondent by the U.S. Postal Service.
- 6) The Appellant failed to register with WorkForce West Virginia by November 24, 2022.
- 7) On December 15, 2022, the Respondent sent the Appellant Notices of Decision indicating that a three-month SNAP penalty would be imposed and his SNAP benefits would be terminated after December 31, 2022, based on failure to register with Workforce West Virginia (Exhibit D-2).
- 8) The three-month sanction was imposed effective January 2023.
- 9) The Respondent received the undelivered December 15, 2022, sanction/termination notices back from the Postal Service on December 27, 2022 (Exhibit D-9).
- 10) The Appellant contacted the Respondent on January 13, 2023, to inquire about why his SNAP case was closed (Exhibit D-8).
- 11) At that time, the Respondent determined that the Appellant's address was incorrect in its computer system (Exhibit D-8).

APPLICABLE POLICY

Code of Federal Regulations 7 CFR §273.7 describes work requirements for SNAP benefits:

(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 Chapter 14.2.1.A states that all SNAP applicants/recipients are subject to a work requirement, unless exempt (Exhibit D-6).

West Virginia Income Maintenance Manual Chapter 14.3.1.A states that all individuals must register for employment with WorkForce West Virginia within 30 days of the date of the original SNAP approval unless exempt. Clients must register every 12 months thereafter, regardless of the length of time that WorkForce West Virginia considers the registration valid. A client may register by visiting a WorkForce West Virginia office or may register online (Exhibit D-7).

Chapter 14.5.1.B of the Manual states that 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 or she reports a change which makes him/her exempt from work requirements.

Chapter 14.5.1.B states that for the first work program violation, the individual is removed from the SNAP Assistance Group for at least three months or until he or she 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 UCI-related activities.

Chapter 1.2.4 of the Manual states that it is the client's responsibility to provide complete and accurate information about his circumstances so that the worker can make a correct determination about his eligibility.

DISCUSSION

Policy states that all SNAP applicants/recipients are subject to a work requirement, unless exempt. A non-WV WORKS recipient who refuses or fails to register with WorkForce West Virginia is subject to a penalty for the full penalty period or until he or she reports a change that makes him/her exempt from work requirements. It is the client's responsibility to provide accurate information about his circumstances.

Bonnie Price, Economic Services Supervisor for the Respondent, testified that the Department's worker informed the Appellant on the date of application that he needed to register with Workforce West Virginia and that a letter was sent to the Appellant on October 26, 2022, requesting that he register by November 24, 2022. Ms. Price stated that the October 26, 2022, letter was not returned to the WVDHHR office by the Postal Service. The SNAP closure notice sent to the Appellant on December 15, 2022, was, however, returned undelivered by the Postal Service on December 27, 2022. The Appellant's physical address was changed from [REDACTED] and his mailing address was [REDACTED] on January 13, 2023, after the Appellant inquired about his non-receipt of SNAP benefits.

The Appellant testified that when he moved into his residence in October 2022, he was originally informed that the address was [REDACTED] but he later learned from the police department that the address was [REDACTED] for purposes of emergency response. The Appellant testified that his address at the time of the October 2022 SNAP application was [REDACTED]. He contended that the address he listed on the SNAP application was [REDACTED]; however, he acknowledged that the address as written on the application looks like [REDACTED].

The Appellant stated that he did not receive the October 2022 notice requesting his WorkForce West Virginia registration, and contended that the worker never informed him that he needed to register at the time of application. The Appellant indicated that he only became aware that his case was closed when he attempted unsuccessfully to use his Electronic Benefits Transfer card at the grocery store. He stated that he has not yet registered with Workforce because Ms. Price indicated that there was no way to lift the sanction once it was imposed. The Appellant contended that he

has had problems with the Post Office delaying mail due to its use of incorrect zip codes. The Appellant testified that he has been evicted from his residence because he had to choose between buying food and paying rent after his SNAP benefits were terminated. He stated that no one contacted him to question his address when the closure letter was returned to the Respondent by the Postal Service in December 2022.

As the Appellant's October 24, 2022, SNAP application lists a mailing address of [REDACTED] the Respondent acted correctly in sending the October 26, 2022, notice requesting Workforce West Virginia registration and the December 15, 2022, SNAP termination notice/sanction letter to that address. The Respondent did not receive the Appellant's corrected address information until after the work sanction was in effect in January 2023. Therefore, the Respondent's action to apply the work sanction and terminate SNAP benefits is correct.

CONCLUSIONS OF LAW

- 1) The Appellant was required to register with WorkForce West Virginia by November 24, 2022.
- 2) The Respondent sent a registration request to the address provided by the Appellant in October 2022.
- 3) The Appellant failed to register with WorkForce West Virginia by November 24, 2022.
- 4) The Respondent's decision to impose a three-month work penalty on the Appellant's SNAP benefits effective January 2023 based on failure to register with Workforce West Virginia is correct.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Respondent's action to terminate SNAP benefits and impose a three-month work penalty effective January 2023.

ENTERED this 28th day of February 2023.

Pamela L. Hinzman
State Hearing Officer