



**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**

January 11, 2023

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 22-BOR-2341

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: Trevor Wayne, Department Representative

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

██████████,

Appellant,

v.

Action Number: 22-BOR-2341

**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 4, 2023, on an appeal filed October 21, 2022. The Appellant requested continuances of two prior dates for hearing (November 22, 2022, and December 13, 2022) and these were granted based on the request to have a Department employee present for testimony.

The matter before the Hearing Officer arises from the October 13, 2022 decision by the Respondent to impose a sanction against 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 Trevor Wayne. Appearing as a Department witness was Drema Hill. The Appellant was self-represented. All witnesses were sworn and the following document was admitted into evidence.

EXHIBITS

Department's Exhibits:

- | | |
|-----|--|
| D-1 | Notice dated August 2, 2022 |
| D-2 | Notice of decision, dated September 13, 2022 |

D-3 Case Comments from the Respondent's data system regarding the Appellant's case; entries dated October 6, 2022, through November 9, 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 SNAP recipient in a one-person assistance group (AG).
- 2) The Respondent mailed the Appellant a notice dated August 2, 2022 (Exhibit D-1), 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] 2022-08-31."
- 3) The Appellant did not register with Workforce West Virginia by the August 31, 2022, deadline.
- 4) The Respondent mailed the Appellant a notice dated September 13, 2022, (Exhibit D-2) which advised the Appellant that a "...work requirement penalty has been applied to [REDACTED]..."
- 5) The notice (Exhibit D-2) provided the reason for the penalty as failure to register as required.
- 6) The notice (Exhibit D-2) explained that the Appellant's penalty was a third sanction, during which the Appellant would "...remain ineligible for SNAP benefits..." for 12 months or until compliance, whichever is longer.
- 7) The Appellant registered with WorkForce West Virginia on October 6, 2022. (Exhibit D-3)

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 her 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 her of these requirements and the deadline for compliance (Exhibit D-1), and the result of the SNAP penalty was SNAP ineligibility for 12 months or until compliance (Exhibit D-2). The Appellant contended that she did not receive these notices because of an invalid address.

The Appellant reported an address of [REDACTED], during the hearing. The Appellant claimed the address had included an apartment number and she did not live in an apartment and the mail was not delivered to her for this reason. The Appellant reported she was aware of the issue with her address on file including an apartment number because she received some of this mail, but not the notices about the work requirement (Exhibit D-1) and the work requirement penalty (Exhibit D-2). The responsibility for reporting and updating an accurate address lies with the Appellant. Testimony from the Department confirmed the notices (Exhibits D-1 and D-2) were not returned by the postal service to the Respondent. Because the notices were 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 duration set by policy.

Because the Respondent properly notified the Appellant of her 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 her work registration requirements, the Appellant is bound by those requirements.
- 2) Because the Appellant is a SNAP recipient without exemptions, she was required to register with WorkForce WV by August 31, 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 January 2023.

Todd Thornton
State Hearing Officer