



**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**

January 3, 2023

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 22-BOR-2577

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: Amy Brown, [REDACTED] DHHR

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

██████████,

**Appellant,**

**v.**

**Action Number: 22-BOR-2577**

**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 3, 2023, on an appeal filed December 7, 2022.

The matter before the Hearing Officer arises from the October 28, 2022, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

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

**Department's Exhibits:**

None

**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 issued a Consolidated Work Notice advising the Appellant that she was required to register with WorkForce WV (WorkForce), or meet an exemption, by October 26, 2022, to continue receiving SNAP benefits.
- 3) The Respondent issued notices on October 28, 2022, advising the Appellant that she would no longer receive SNAP benefits after November 30, 2022, due to the imposition of a work registration penalty.
- 4) The Appellant registered with WorkForce on November 18, 2022, but did not report the registration until after December 1, 2022.
- 5) The Appellant has no prior work registration penalties.

## **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** (emphasis added).

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. An individual who fails to comply by the due date established on the notice to register is subject to a SNAP penalty. The penalty is not imposed, and any lost benefits are restored if the client registers and notifies the Respondent of the registration before the end of the month in which the adverse notice expires.

The Respondent notified the Appellant on September 27, 2022, that she was required to register with WorkForce by October 26, 2022, to continue receiving SNAP benefits. A penalty was imposed against the Appellant on October 28, 2022, with an effective date of December 1, 2022,

when the registration had not been completed. The Appellant registered with WorkForce on November 18, 2022, but did not report the registration until after December 1, 2022, when she did not receive her SNAP benefits.

The Appellant testified that she has never had to notify the Respondent of her registration previously or she would have contacted her caseworker when she registered in November to avoid the penalty. The Appellant did not dispute that she did not notify the Respondent of her registration until after the effective date of the work registration penalty.

The Appellant was properly notified of the due date of her WorkForce registration and of her requirement to notify the Respondent when registration had been completed. The work registration penalty was imposed on October 28, 2022. Once a penalty has been entered into the eligibility system, there is no requirement that the Respondent independently verify if the registration has been completed.

Whereas the Appellant failed to notify the Respondent that she had completed the WorkForce registration prior to the effective date of the penalty, the Respondent's decision to terminate the Appellant's SNAP benefits is affirmed.

#### **CONCLUSIONS OF LAW**

- 1) Pursuant to policy, a SNAP penalty may be imposed if a recipient fails to register with WorkForce by the deadline established on the Consolidated Work Notice.
- 2) The Appellant was required to register with WorkForce by October 26, 2022.
- 3) The Respondent imposed a penalty against the Appellant on October 28, 2022, when the registration had not been completed.
- 4) The effective date of the work registration penalty was December 1, 2022.
- 5) The Appellant registered with WorkForce on November 18, 2022 but failed to report the registration until after the effective date of the penalty.
- 6) The Appellant must serve the minimum penalty period of three months as this is her 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 3<sup>rd</sup> day of January 2023.**

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