



**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 17, 2023

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 22-BOR-2635

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: Angela Mitchem, [REDACTED] DHHR

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

██████████,

Appellant,

v.

Action Number: 22-BOR-2635

**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 17, 2023, on an appeal filed December 15, 2022.

The matter before the Hearing Officer arises from the September 6, 2022, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance (SNAP) benefits.

At the hearing, the Respondent appeared by Angela Mitchem, Economic Services Supervisor. The Appellant was self-represented. The witnesses were sworn, 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) On June 21, 2022, 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 July 20, 2022, to continue receiving SNAP benefits.
- 3) The Respondent issued a notice on September 6, 2022, advising the Appellant that she would no longer receive SNAP benefits after September 30, 2022, due to the imposition of a work registration penalty.
- 4) The Appellant visited the [REDACTED] office on October 12, 2022, to inquire about the loss of her SNAP benefits and was advised of the penalty for failure to register with WorkForce.
- 5) The Appellant claimed that she had registered with WorkForce in May 2022 and was advised to provide verification of the registration.
- 6) The Appellant returned to the [REDACTED] office on October 17, 2022.
- 7) According to the data exchange with WorkForce, the Appellant accessed the WorkForce online system on May 5, 2022, but did not complete work registration until October 12, 2022.
- 8) The Appellant has one previous work registration penalty.

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.

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 she failed to register with WorkForce.

The Appellant testified that she visited WorkForce in May to enroll in continuing education classes

and thought she had completed work registration at that time. The Appellant stated she has difficulty understanding technology and currently takes Suboxone and anti-depressants.

The Respondent sent the Consolidated Work Notice to the Appellant on June 21, 2022, notifying of her responsibility to register with WorkForce, or provide an exemption, by July 20, 2022, to continue receiving SNAP benefits. The Appellant was given ample time to comply with work requirements prior to the October 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.

WorkForce defines what actions constitute a complete work registration. Although the Appellant may have accessed the WorkForce online system prior to the imposition of the penalty, work registration was not fully completed until after the effective date of the penalty. Whereas the Respondent acted in accordance with policy, the Respondent's decision to terminate the Appellant's 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 October 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 terminate the Appellant's Supplemental Nutrition Assistance Program benefits.

ENTERED this 17th day of January 2023.

Kristi Logan
Certified State Hearing Officer