



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

**Sherri A. Young, DO, MBA, FAAFP
Interim Cabinet Secretary**

**Christopher G. Nelson
Interim Inspector General**

November 15, 2023

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 23-BOR-3138

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 ensure 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,

Tara B. Thompson, MLS
State Hearing Officer
Member, State Board of Review

Encl: Decision Recourse
Form IG-BR-29

CC: Rachell Hruschak, [REDACTED] DHHR

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

██████████,

Appellant,

v.

Action Number: 23-BOR-3138

**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 November 15, 2023.

The matter before the Hearing Officer arises from the Respondent's September 15, 2023 decision to terminate the Appellant's Supplemental Nutrition Assistance Program benefits.

At the hearing, the Respondent appeared by Rachell Hruschak. The Appellant appeared and represented herself. Both witnesses were sworn in and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 SNAP Work Rules
- D-2 Notice, dated September 15, 2023
- D-3 West Virginia Income Maintenance Manual (WVIMM) § 14.3 excerpts
- D-4 WVIMM § 14.5 excerpts
- D-5 Hearing Request Form
- D-6 Disability/Incapacity Medical Assessment, received October 17, 2023

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 following Findings of Fact are set forth.

FINDINGS OF FACT

- 1) The Appellant was a SNAP recipient.
- 2) On September 15, 2023, the Respondent issued a notice advising the Appellant her SNAP benefits would be terminated after September 30, 2023 because she failed to register with Workforce WV.
- 3) On September 15, 2023, the Respondent issued a notice advising the Appellant a SNAP ineligibility penalty was being applied because she failed to register with Workforce (Exhibit D-2).
- 4) On July 10, 2023, the Respondent issued a notice advising the Appellant she was required to follow the SNAP Work Rules and that if she failed to follow the rules, her SNAP benefits may decrease or end (Exhibit D-1).
- 5) The notice advised the Appellant she was required to register with Workforce WV and notify the Respondent of her registration by August 8, 2023 (Exhibit D-1).
- 6) The July 10, 2023 notice advised the Appellant could register for job service by calling or going online. The notice provided the telephone number and website information.
- 7) The July 10, 2023 notice advised, “You may lose your SNAP benefits if you don’t follow these work rules and don’t have a good reason (Exhibit D-1).
- 8) The notice stipulated “Good reasons include issues you can’t control such as getting sick, not having childcare for a child younger than age 12, or work conditions that are unreasonable” (Exhibit D-1).
- 9) The Appellant did not meet a medical exemption (Exhibit D-6).
- 10) On October 3, 2023, the Appellant registered with Workforce, after the effective date of the SNAP penalty.

APPLICABLE POLICY AND REGULATIONS

Code of Federal Regulations 7 CFR § 273.7 *Work Requirements* provides in relevant sections:

(a) *Persons required to register.* Each household member who is not exempt by paragraph (b)(1) of this section shall be registered for employment by the State agency at the time of application, and once every twelve months after initial registration, as a condition of eligibility

(b) Code of Federal Regulations 7 CFR § 273.7(c)(1) *Work Requirements* — *State agency responsibilities* provides in relevant sections:

(ii) During the certification process, the State agency must provide a written notice ... 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. The work requirements include the general work requirement in paragraph (a) of this section ... The written notice and oral explanation must be provided in accordance with (c)(1)(iii) of this section.

(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 and 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 applicable work requirement [emphasis added]; 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

Code of Federal Regulations 7 CFR § 273.7(i) *Good Cause* provides in relevant sections:

(2) Good cause includes circumstances beyond the member's control, such as, but not limited to illness, illness of another household member requiring the presence of the member, a household emergency, the unavailability of transportation, or the lack of adequate childcare for children who have reached age six but are under age 12.

Code of Federal Regulations 7 CFR § 273.7(f) *Failure to Comply* provides in relevant sections:

- (1) Ineligibility for failure to comply: A nonexempt individual who ... fails without good cause ... to comply with SNAP work requirements listed under paragraph (a)(1) of this section is ineligible to participate in SNAP and will be considered ineligible household member.

West Virginia Income Maintenance Manual (WVIMM) § 14.3.1.A provides in relevant parts: Individuals are required to register with Workforce within 30 days of the date of original approval, unless exempt. Clients must register every 12 months thereafter.

WVIMM §14.5.1.B provides in relevant parts: A client who fails to register with Workforce is subject to a penalty period. For the first violation, the client is removed from the Assistance Group (AG) for at least three months. For the second violation, the client is removed from the AG for six months. For the third violation, the client is removed from the AG for twelve months.

DISCUSSION

The Respondent terminated the Appellant's SNAP benefits because she failed to register with Workforce WV by the due date and did not meet an exemption. The Appellant argued that she tried to comply but was not able to register until October 3, 2023, after the termination of her SNAP benefits.

The Board of Review lacks the authority to change federal regulations, agency policy, or grant eligibility exemptions beyond what is stipulated within the regulations. The Respondent bears the burden of proof and had to demonstrate by a preponderance of the evidence that the Appellant's SNAP benefits were correctly terminated because she failed to register with WorkForce by the due date. The evidence revealed that the Appellant was medically exempt from October 16 through October 20, 2023. No evidence was submitted to establish that the Appellant was exempt from her requirement to comply with Workforce registration by August 8, 2023.

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. If a recipient does not comply with the work requirement, the client is subject to a SNAP ineligibility penalty period. Federal regulations provide examples of circumstances beyond the client's control that constitute good cause for failing to comply with the work requirement.

Under federal regulations, the Respondent must provide the Appellant with sufficient written notice advising the Appellant of her work registration requirement, how to register, and the date the registration is due. While the Appellant argued that she had periodic issues receiving mail and could not recall receiving one of the September 15, 2023 notices, the Appellant did not dispute her receipt of the July 10, 2023, Snap Work Rules notification.

During the hearing, the Appellant argued that she was unable to complete her registration timely because of “password issues” logging in online and not being able to reach Workforce by telephone. The Appellant’s testimony did not establish that the password issues the Appellant was experiencing were beyond her control. The Appellant was notified of her registration requirement on July 10, 2023. The termination of her SNAP benefits did not occur until October 1, 2023. The preponderance of evidence revealed that the Respondent provided the Appellant with reasonable time to comply with her Workforce registration before the termination of her SNAP benefits.

Because the preponderance of the evidence revealed that the Appellant failed to comply with work registration as required, the Respondent correctly imposed a SNAP ineligibility penalty and terminated the Appellant’s SNAP benefits, effective October 1, 2023.

CONCLUSIONS OF LAW

- 1) A SNAP ineligibility penalty may be imposed when a SNAP recipient fails to meet an exemption or register with Workforce WV by the due date.
- 2) The preponderance of the evidence revealed that the Appellant was notified of her work registration responsibility and failed to comply by August 8, 2023.
- 3) Because the preponderance of the evidence revealed the Appellant failed to comply with the work requirement, the Respondent correctly terminated the Appellant’s SNAP benefits, effective October 1, 2023.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent’s decision to terminate the Appellant’s SNAP benefits, effective October 1, 2023.

Entered this 15th day of November 2023.

Tara B. Thompson, MLS
State Hearing Officer