



March 18, 2025

REMOVED

RE: **REMOVED** v. DoHS/BFA
ACTION NO.:25-BOR-1517

Dear **REMOVED**

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 Human Services. 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: Tavia Hamon, **REMOVED** County DoHS

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW**

REMOVED

Appellant,

v.

Action Number: 25-BOR-1517

**WEST VIRGINIA DEPARTMENT OF HUMAN SERVICES
BUREAU FOR FAMILY ASSISTANCE,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for **REMOVED**. This hearing was held in accordance with the provisions found in Chapter 700 of the Office of Inspector General Common Chapters Manual. This fair hearing was convened on March 18, 2025.

The matter before the Hearing Officer arises from the decision by the Respondent to impose a work registration penalty against the Appellant.

At the hearing, the Respondent appeared by Tavia Hamon, **REMOVED** County DoHS. The Appellant appeared *pro se*. The witnesses were placed under oath 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 Supplemental Nutrition Assistance Program (SNAP) benefits for a two-person assistance group.
- 2) The Respondent mailed the Combined Work Notice (CWN) to the Appellant on November 8, 2024, advising that he was required to register with WorkForce West Virginia (WorkForce) by December 12, 2024, to continue receiving SNAP benefits.
- 3) The Respondent imposed a work registration penalty, with an effective date of February 1, 2025, against the Appellant when he had not registered with WorkForce by the due date listed on the CWN.
- 4) The Appellant's SNAP benefits were reduced effective February 1, 2025, due to his removal from the SNAP assistance group.
- 5) The Appellant registered with WorkForce on January 27, 2025.

APPLICABLE POLICY

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

(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.

(f) Failure to comply —

(1) Ineligibility for failure to comply. A nonexempt individual who refuses or fails without good cause, as defined in [paragraphs \(i\)\(2\), \(3\), and \(4\)](#) of this section, to comply with SNAP work requirements listed under [paragraph \(a\)\(1\)](#) of this section is ineligible to participate in SNAP, and will be considered an ineligible household member, pursuant to [§273.1\(b\)\(7\)](#).

(i) As soon as the State agency learns of the individual's noncompliance it must determine whether good cause for the noncompliance exists, as discussed in [paragraph \(i\)](#) of this section. Within 10 days of establishing that the noncompliance was without good cause, the State agency must provide the individual with a notice of adverse action, as specified in [§273.13](#). If the State agency offers a conciliation process as part of its E&T program, it must issue the notice of adverse action no later than the end of the conciliation period.

(ii) The notice of adverse action must contain the particular act of noncompliance committed and the proposed period of disqualification. The notice must also specify that the individual may, if appropriate, reapply at the end of the disqualification period. Information must be included on or with the notice describing the action that can be taken to avoid the disqualification before the disqualification period begins. The disqualification period must begin with the first month following the expiration of the 10-day adverse notice period, unless a fair hearing is requested.

(iii) An E&T disqualification may be imposed after the end of a certification period. Thus, a notice of adverse action must be sent whenever the State agency becomes aware of an individual's noncompliance with SNAP work requirements, even if the disqualification begins after the certification period expires and the household has not been recertified.

(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 explains SNAP work requirements:

14.3.1.A Registration Requirements

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 assistance group (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.
- Match the 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. The client may register by visiting a WorkForce West Virginia office, or by registering online. The Worker must explain these requirements to the client and enter the registration date in 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. See Section 14.5. 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 Human Services (DOHS) 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.

14.5.1.B Non-Voluntary Quit Penalties

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 and federal regulations, an individual must register with Workforce within 30 days of the date of initial SNAP approval and every 12 months thereafter 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 Respondent reduced the Appellant's SNAP benefits when it was determined that he failed to register with WorkForce by the deadline established by the Respondent.

The Appellant testified that he registered with WorkForce on January 27, 2025. The Appellant contended that he went to the **REMOVED** County office on January 27, 2025, to submit paystubs for his cohabitor for her case, and reported his work registration to the receptionist. The Appellant stated he was advised that the information would be given to a caseworker.

The Respondent confirmed that paystubs were submitted for **REMOVED** the Appellant's cohabitor, on January 27, 2025, and scanned in her separate Medicaid case.

Policy stipulates that a work registration penalty is not imposed, and any lost benefits are restored if, before the end of the month in which the adverse notice expires, the client registers and notifies the Department of Human Services (DOHS) that he has registered.

The Appellant provided credible testimony that he reported the WorkForce registration to the Respondent prior to the effective date of the work registration penalty. Whereas the Appellant complied with work registration requirements and reported the registration to the Respondent on January 27, 2025, prior to the effective date of work registration penalty, the Respondent's decision to reduce his SNAP benefits cannot be affirmed.

CONCLUSIONS OF LAW

- 1) Pursuant to policy and federal regulations, an individual must register with Workforce within 30 days of the date of initial SNAP approval and every 12 months thereafter as a condition of eligibility to receive SNAP benefits, unless exempt.
- 2) The Appellant was required to register with WorkForce by December 12, 2024.
- 3) The Respondent imposed a work registration penalty against the Appellant effective February 1, 2025, when he failed to register with WorkForce or meet an exemption.
- 4) A work registration penalty is not imposed if the client registers and notifies the Respondent of the registration before the end of the month in which the adverse notice expires.
- 5) The effective date of the Appellant's work registration penalty was February 1, 2025, with adverse notice expiring on January 31, 2025.
- 6) The Appellant registered and reported the WorkForce registration to the Respondent on January 27, 2025.
- 7) The Respondent incorrectly imposed a work registration penalty against the Appellant.

DECISION

It is the decision of the State Hearing Officer to **reverse** the decision of the Respondent to impose a work registration penalty against the Appellant resulting in a reduction in Supplemental Nutrition Assistance Program benefits for his assistance group.

ENTERED this 18th day of March 2025.

Kristi Logan
Certified State Hearing Officer