



Esta es su Orden para su Audiencia Imparcial.  
Si usted tiene preguntas, por favor llame a 304-358-2305

April 16, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA  
ACTION NO.: 25-BOR-1570

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 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,

Lori Woodward, J.D.  
Certified State Hearing Officer  
Member, State Board of Review

Encl: Recourse to Hearing Decision  
Form IG-BR-29

cc: Amanda Simmons, WV DoHS/BFA

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

██████████,

**Appellant,**

v.

**ACTION NO.: 25-BOR-1570**

**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 ██████████. 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 April 9, 2025.

The matter before the Hearing Officer arises from the Respondent's February 11, 2025 decision to apply a Supplemental Nutrition Assistance Program (SNAP) second work requirement penalty against the Appellant resulting in a reduction of SNAP benefits.

At the hearing, the Respondent appeared by Amanda Simmons, Family Support Supervisor. The Appellant appeared *pro se*. The witnesses were placed under oath and the following documents were admitted into evidence:

**Department's Exhibits:**

- D-1 Combined Work Notice (CWN1), dated November 27, 2024
- D-2 Combined Work Notice (CWN1), dated January 10, 2025
- D-3 Notice of SNAP reduction, dated February 11, 2025
- D-4 Notice of work requirement penalty (AE06), dated February 11, 2025
- D-5 WV Income Maintenance Manual, Chapter 14, §14.3, *et seq.* and §14.5, *et. seq.*

**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 applied for SNAP benefits for an assistance group (AG) of 2 on November 25, 2024, and was approved for expedited SNAP benefits.
- 2) During the SNAP interview, the Respondent's worker explained Able Bodied Adult Without Dependents (ABAWD) requirements and exemptions to the Appellant.
- 3) On November 27, 2024, the Respondent sent written notification of SNAP work rules which included an explanation that she was required to register with WorkForce West Virginia (WFWV) by December 26, 2024 and to notify the Respondent once she had complied. (Exhibit D-1)
- 4) On January 10, 2025, a second written notification of SNAP work rules was issued to the Appellant which included an explanation that she was required to register with WFWV by February 8, 2025 and to notify the Respondent once she had complied. (Exhibit D-2)
- 5) On February 11, 2025, the Respondent's worker determined that the Appellant had not registered with WFWV and applied a work requirement penalty against her. (Exhibits D-3 and D-4)
- 6) This is the Appellant's second work requirement penalty. (Exhibit D-4)
- 7) On February 25, 2025, the Appellant registered with WFWV, however she failed to notify the Respondent of her compliance.

### **APPLICABLE POLICY**

**Code of Federal Regulations, 7 CFR §273.7, provides in pertinent parts:**

(a) Work requirements.

(1) As a condition of eligibility for SNAP benefits, each household member 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

...

**(c) State agency responsibilities**

**(1) State agency responsibilities**

(i) The State agency must register for work each household member not exempted by the provisions of paragraph (b)(1) of this section. The State agency must permit the applicant to complete a record or form for each household member required to register for employment in accordance with paragraph (a)(1)(i) of this section. Household members are considered to have registered when an identifiable work registration form is submitted to the State agency or when the registration is otherwise annotated or recorded by the State agency.

**(ii) During the certification process, the State agency must provide a written notice and oral explanation 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. These work requirements include the general work requirement in paragraph (a) of this section, mandatory E&T in paragraph (a)(1)(ii) of this section, and the ABAWD work requirement at § 273.24.** The written notice and oral explanation must be provided in accordance with (c)(1)(iii) of this section. This written notice and oral explanation must also be provided to the household when a previously exempt household member or new household member becomes subject to these work requirements, and at recertification. [Emphasis added]

(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; 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 each applicable work requirement; 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.

**(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.

(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.

**WV IMM, Chapter 1, §1.2.3.A** explains that prior to imposing any penalties or assigning any countable months for an ABAWD, the worker must screen all adult SNAP recipients at application and redetermination for:

- All exemptions from the ABAWD time limit; and
- Whether the individual should be referred to participation in SNAP E&T

The worker must provide an oral explanation of all SNAP work requirements to the client; this includes explaining ABAWD and Work Registration requirements and how to meet each work requirement.

## **DISCUSSION**

The Appellant applied for SNAP benefits for an AG of 2 on November 25, 2024. The Appellant was approved for expedited SNAP benefits. On November 27, 2024, the Respondent issued notification to the Appellant of SNAP work rules which also explained that she was required to register with WFWV by December 26, 2024 and that she must notify the Respondent of her compliance. On January 10, 2025, the Appellant was issued another SNAP work rules notification with an explanation that she was required to register with WFWV by February 10, 2025 and that she must notify the Respondent of her compliance.

On February 11, the Respondent's worker determined that the Appellant had not complied with WFWV registration and applied a work requirement penalty. This is the Appellant's second work requirement penalty.

State and federal regulations require an individual to register for work 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 with registration by the due date established on the notice and to notify the department of compliance is subject to a SNAP penalty.

Although the Appellant did register with WFWV on February 25, 2025, she did not notify the Respondent of her registration. The work requirement penalty began on March 1, 2025. The Appellant averred she was not aware she needed to contact the Respondent after registering with WFWV notifying them of her compliance. Additionally, the Appellant contended that she previously received SNAP benefits and believed that because she had a special needs child she met an exemption.

The Respondent's representative, Amanda Simmons, confirmed that the Appellant had previously been a SNAP recipient with her last benefits in 2020. However, Ms. Simmons noted that the Appellant did not have an exemption in her case file and that the Appellant previously registered with WFWV instead of filing an exemption. Ms. Simmons testified that after holding a pre-hearing conference with the Appellant, she mailed her a Disability/Incapacity Medical Assessment (DIMA) form to begin the process of establishing a possible exemption. The Appellant confirmed she received that form.

Federal regulations require oral and written notification during the certification process regarding all applicable work requirements. Similarly, state policy requires an oral and written explanation of all SNAP work rules including ABAWD and work registration requirements. Although Ms. Simmons testified that the interviewing worker noted that she explained ABAWD and exemptions, there was no mention that the worker also explained work registration requirements.

Although the Respondent fulfilled the written notification component mandated by federal and state regulations, the testimony and evidence presented did not show that the Appellant was orally notified. Accordingly, the Respondent's decision cannot be affirmed.

### **CONCLUSIONS OF LAW**

- 1) Federal and state regulations require written and oral notification regarding SNAP work requirements during the certification process.
- 2) The Respondent did provide written notification to the Appellant regarding ABAWD and work registration requirements.
- 3) The Respondent did not show by a preponderance of evidence that the Appellant was orally notified about ABAWD and work registration requirements.

### **DECISION**

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's decision to apply a second work requirement penalty to the Appellant's SNAP benefits.

**ENTERED this 16<sup>th</sup> day of April 2025.**

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Lori Woodward, Certified State Hearing Officer