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Si usted tiene preguntas, por favor llame a 304-267-0100

May 9, 2025

REMOVED

RE: **REMOVED** . WV DoHS/BFA
ACTION NO.: 25-BOR-1770

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 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,

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

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

cc: Jeffrey Everhart/Peter VanKleeck, WV DoHS/BFA

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

REMOVED

Appellant,

v.

ACTION NO.: 25-BOR-1770

**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 This fair hearing was convened on May 7, 2025 on an appeal originally filed on April 3, 2025, verbally withdrawn on April 4, 2025, with retraction and reinstatement on April 9, 2025.

The matter before the Hearing Officer arises from the Respondent's March 25, 2025 decision to deny the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefit application.

At the hearing, the Respondent appeared by Jeffrey Everhart, Economic Service Worker Senior. The Appellant was self-represented. The witnesses were placed under oath and the following documents were admitted into evidence:

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Combined Work Notice (CWN1), dated October 2, 2024
- D-3 Notice of SNAP closure, dated November 4, 2024
- D-4 Notice of SNAP denial, dated March 25, 2025

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 and Medicaid benefits on March 21, 2025. (Exhibit D-1)
- 2) On March 25, 2025, the Respondent sent notification to the Appellant denying her SNAP application based on her failure to register with Work Force West Virginia (WFWV) and because she was over the income limit. (Exhibit D-4)
- 3) On April 3, 2025, the Appellant filed an appeal of the Respondent's March 25, 2025 SNAP denial.
- 4) The Respondent conceded that the March 25, 2025 notice of SNAP application denial erroneously cited ineligibility based on income due to worker error.
- 5) The Appellant had a first violation SNAP work requirement penalty (hereinafter referred to as "SNAP penalty") which disqualified her from receiving SNAP benefits until she either met an exemption or complied with WFWV registration after serving the full penalty period.
- 6) The Appellant's SNAP penalty period ran for three months beginning December 1, 2024
- 7) The Appellant registered with WFWV for SNAP purposes on March 24, 2025.
- 8) The Appellant discussed her WFWV registration compliance with the Respondent's worker on April 4, 2025.
- 9) The Appellant's SNAP penalty has been lifted.

APPLICABLE POLICY

As a condition of eligibility for SNAP benefits, each non-exempt household member must 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. **(Code of Federal Regulations, 7 CFR §273.7. See also, West Virginia Income Maintenance Manual (WV IMM), Chapter 14, §14.3.1.A)**

If the applicant is currently in a SNAP penalty for failure to register and has completed her minimum penalty time, she must register prior to benefit approval. A second notice to register is not required. If she continues to refuse or fails to register, her penalty continues. **(WV IMM, Chapter 14, §14.3.1.A)**

When determining the correct number of penalties, the Worker must look at the total number of penalties previously served, not just the number of penalties for each work requirement. The penalty must be served unless the client meets an exemption. The penalty is never applied to an entire assistance group (AG), only to the client who does not comply. Penalties are applied sequentially, regardless of the requirement not met. In addition, penalties are applied consecutively, and one penalty must end before another one is imposed. **(WV IMM, Chapter 14, §14.5)**

The first violation for failure to register with WorkForce West Virginia, refusing employment, or refusing to provide information about employment status and job availability, is subject to the penalty for the full penalty period or a reported exemption. The client is removed from the AG for at least three months or until he meets an exemption. If after three months, the client has not complied or met an exemption, the penalty continues until he does comply or meets an exemption for some reason other than Unemployment Compensation Insurance (UCI) related activities. **(WV IMM, Chapter 14, §14.5.1.B. See also, 7 CFR §273.7)**

DISCUSSION

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 Respondent of compliance is subject to a SNAP penalty.

On March 21, 2025, the Appellant applied for SNAP and Medicaid benefits. The Appellant had a SNAP penalty against her which began on December 1, 2024. The Respondent denied the Appellant's SNAP application and sent her notification of the denial on March 25, 2025. It is noted that the March 2025 denial also included income ineligibility as a reason for the denial. However, the Respondent's representative, Jeffrey Everhart, explained that the Appellant's income ineligibility was an error, but that she still had an active SNAP penalty against her.

The Appellant filed a request for a fair hearing on April 3, 2025 after her March 21, 2025 SNAP application had been denied based on a SNAP penalty imposed against her which began on December 1, 2024.

The Appellant provided hearsay testimony and proffered conclusions relating to the imposition of the SNAP penalty. However, these arguments are untimely. Statutorily, the Appellant had 90 days from the beginning date of the adverse action to bring an appeal of the Respondent's November 4, 2024 decision. A review of the evidence and testimony showed that on November 4, 2024, the Respondent sent notification of the Appellant's SNAP closure due to her failure to register with WFWV. Thus, the Appellant had notice and an opportunity to appeal the imposition of the SNAP penalty. No due process issue was established which would warrant a review of the untimely arguments regarding the November 4, 2024 decision by the Respondent to impose a SNAP penalty. Additionally, the testimony confirmed that the Appellant had not re-registered with WFWV until March 24, 2025, which was reported to the Respondent's worker on April 4, 2025.

The regulations mandate that once a SNAP penalty is imposed, the disqualification shall continue until the individual meets an exemption or registers with WFWV once the penalty period has been served. The Appellant registered with WFWV on March 24, 2025. On April 4, 2025, the Appellant discussed her WFWV registration with the Respondent's worker. Mr. Everhart testified that because the Appellant is fully registered with WFWV, the Appellant is eligible for SNAP benefits in May 2025.

Whereas the Respondent showed by a preponderance of evidence that it correctly denied the Appellant's March 21, 2025 SNAP application based on a SNAP penalty, its decision is affirmed.

CONCLUSIONS OF LAW

- 1) Federal and state regulations require that a first violation SNAP work requirement penalty be imposed for a period of three months and to continue until an exemption is met or registration is completed after the full penalty period.
- 2) The Respondent imposed a SNAP penalty against the Appellant to begin December 1, 2024, with notification sent to the Appellant on November 4, 2024.
- 3) Because the Appellant had not registered with WFWV until March 24, 2025, the Appellant's March 21, 2025 SNAP application was correctly denied by the Respondent based on the SNAP penalty against the Appellant.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to deny the Appellant's March 21, 2025 SNAP application.

ENTERED this 9th day of May 2025.

Lori Woodward, Certified State Hearing Officer