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

May 6, 2025

REMOVED

RE: **REMOVED** v. WV DoHS/BFA
ACTION NO.: 25-BOR-1776

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: Anna Yoder, WV DoHS/BFA

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

REMOVED

Appellant,

v.

ACTION NO.: 25-BOR-1776

**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 6, 2025.

The matter before the Hearing Officer arises from the Respondent's February 28, 2025 decision to apply a Supplemental Nutrition Assistance Program (SNAP) second work requirement penalty against the Appellant resulting in the closure of SNAP benefits.

At the hearing, the Respondent appeared by Anna Yoder, 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 January 13, 2025
- D-3 Notice of work requirement penalty (AE06), dated February 28, 2025
- D-4 Notice of SNAP reduction, dated February 28, 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 benefits January 9, 2025.
- 2) During the SNAP interview, the Respondent's worker explained SNAP work requirements to the Appellant.
- 3) On January 13, 2025, 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 February 9, 2025 and to notify the Respondent once she had complied. (Exhibit D-2)
- 4) On February 28, 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)
- 5) The Appellant is not currently registered with WFWV.
- 6) This is the Appellant's second work requirement penalty. (Exhibit D-4)

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(a). *See also*, West Virginia Income Maintenance Manual (WV IMM), Chapter 14, §14.3.1.A**)

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. 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. (**7 CFR §273.7. *See also*, WV IMM, Chapter 14, §14.3.1.A**)

A nonexempt individual who refuses or fails without good cause to comply with SNAP work requirements is ineligible to participate in SNAP, and will be considered an ineligible household member. (**7 CFR §273.7**)

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.

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.

(**7 CFR 273.7**)

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 client registers and the client notifies the Department of Human Services (DoHS) of compliance with registration. The client may register by visiting a WorkForce West Virginia office, or by registering online. (**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**)

Failure to register with WorkForce West Virginia, refusing employment, or refusing to provide information about employment status and job availability is subject to the following penalties for the full penalty period or a reported exemption:

- First violation: 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.
- Second violation: The client is removed from the AG six months or until he meets an exemption. If after six 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 UCI-related activities.
- Third and subsequent violations: The client is removed from the AG for 12 months or until he meets an exemption. If after the 12 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 UCI-related activities.

(**WV IMM, Chapter 14, §14.5.1.B**)

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.

The Appellant applied for SNAP benefits on January 9, 2025. During the SNAP application interview, the worker explained work requirements and notified the Appellant that she must register with WFWV within 30 days. Additionally, on January 13, 2025, the Respondent issued notification to the Appellant of SNAP work rules which explained that she was required to register with WFWV by February 9, 2025 and that she must notify the Respondent of her compliance. On February 27, 2025, the Respondent's worker determined that the Appellant had not complied with WFWV registration and applied a SNAP work requirement penalty. This is the Appellant's second SNAP work requirement penalty. Notification of the penalty and SNAP closure were sent to the Appellant on February 28, 2025.

The Appellant did not dispute the fact that she failed to register with WFWV by the established deadline of February 9, 2025. Additionally, the Appellant affirmed that she was aware that she needed to register with WFWV within 30 days from the date of application. However, the Appellant contended that because she was experiencing family issues with a "transitioning" family member, she was distracted and failed to register by the due date. However, the Appellant testified that she attempted to contact her worker to discuss the work registration requirement penalty. The Appellant testified that on April 1, 2025, the Respondent's worker did contact her to discuss her failure to register with WFWV. However, the Appellant testified that she felt the worker with whom she spoke was curt and therefore she decided not to register with WFWV at that time.

Although the Appellant testified that she attempted to contact her worker prior to April 1, 2025 to inquire about the work requirement penalty, there was no testimony provided to show that the Appellant made any attempts to register with WFWV. As the January 13, 2025 CWN1 notice explained, work registration can be accomplished online or by contacting the Respondent. The Respondent's customer service number was supplied to the Appellant on the CWN1 notice. The Appellant had from the date of her application up until March 31, 2025 to accomplish work registration. However, she failed to do so. To date, the Appellant is not registered with WFWV.

The Respondent showed by a preponderance of evidence that it followed state and federal regulations in providing oral and written notification of the SNAP work requirements. Additionally, the Appellant was given notification of the imposition of a second penalty and notice of SNAP closure. Therefore, the Respondent's decision to apply a second SNAP work requirement penalty is 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 oral and written notification to the Appellant regarding ABAWD and work registration requirements.
- 3) The Respondent provided notice of the application of a second SNAP work requirement penalty and resulting closure of the Appellant's SNAP benefits.

DECISION

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

ENTERED this 6th day of May 2025.

Lori Woodward, Certified State Hearing Officer