



May 21, 2025

REMOVED

RE: **REMOVED** v. WV DoHS/BFA
ACTION NO.: 25-BOR-1941

Dear D **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: Richard Griffey, WV DoHS/BFA

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

REMOVED

Appellant,

v.

ACTION NO.: 25-BOR-1941

**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**
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 2, 2025.

The matter before the Hearing Officer arises from the Respondent's March 18, 2025 decision to apply a Supplemental Nutrition Assistance Program (SNAP) second work requirement penalty against the Appellant resulting closure.

At the hearing, the Respondent appeared by Richard Griffey, Family Support Supervisor. The Appellant was represented by his mother, **REMOVED** The Appellant testified on his own behalf. The witnesses were placed under oath and the following documents were admitted into evidence:

Department's Exhibits:

- D-1 Case comments from PATH, March 14 – April 21, 2025
- D-2 Combined Work Notice (CWN1), dated February 11, 2025
- D-3 Notice of SNAP reduction, dated March 18, 2025
- D-4 Notice of work requirement penalty (AE06), dated March 18, 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 on January 20, 2025.
- 2) On February 11, 2025, the Respondent sent written notification of SNAP work rules which included an explanation that he was required to register with WorkForce West Virginia (WFWV) by March 12, 2025 and to notify the Respondent once he had complied. (Exhibit D-2)
- 3) On March 17, 2025, the Respondent's worker determined that the Appellant had not registered with WFWV and applied a work requirement penalty against her. (Exhibit D-1)
- 4) This is the Appellant's second work requirement penalty. (Exhibit D-4)
- 5) On April 10, 2025, the Appellant registered with WFWV.

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.

(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.

WV IMM, Chapter 14, §14.5, SNAP Work Requirement Penalties:

A Supplemental Nutrition Assistance Program (SNAP) penalty is imposed when clients do not comply with a work requirement and do not have good cause. See Section 20.2 for the effect of penalties on eligibility for Emergency Assistance (EA). 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. When the reported exemption ends, the client is subject to the original penalty, unless he has complied or meets another exemption. 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.

The client may register by visiting a WorkForce West Virginia office, or by registering online. (WV IMM, Chapter 14, §14.3.1.A)

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 department of compliance is subject to a SNAP penalty.

The Appellant applied for SNAP benefits on January 20, 2024. On February 11, 2025, the Respondent issued a SNAP work rules notification to the Appellant which explained that he was required to register with WFWV by March 12, 2025, and that he must notify the Respondent of his compliance. On March 17, 2025, 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.

Federal regulations and state policy require oral and written explanations of all SNAP work rules including ABAWD and work registration requirements during the certification process. The Respondent's representative, Richard Griffey, explained that the interviewing worker would have explained the work requirements to the Appellant as it was standard procedure to do so. The Appellant did not dispute this was done. The Respondent also provided written notification of the work requirements to the Appellant on February 11, 2025 which included instructions to contact the DoHS if there was a good reason for not following the basic work rules. There was no evidence or testimony to show that the Appellant attempted to contact the DoHS regarding his inability to register with WFWV online.

Policy also instructs that WFWV registration may be accomplished either by registering online or in person at the WFWV office. The Appellant testified that he attempted to register with WFWV by phone but was instructed by WFWV that he must go online to do so. The Appellant stated that he was unable to accomplish online registration due to his internet services being affected by the severe flooding that [REDACTED] had experienced in February 2025. Although it is reasonable to assume that the severe flooding may have prevented in-person registration, the Appellant had until March 31, 2025, over 30 days, to accomplish registration. Although the Appellant stated he asked several people about where he could find an internet connection, there was no testimony provided to show that the Appellant attempted to contact his local DoHS office or the DoHS customer service to alert them of his situation. The Appellant did testify that on April 10, 2025, he was able to register online by using his smart phone. The work requirement penalty began on April 1, 2025.

Regarding the number of SNAP work requirement penalties, there was no convincing testimony provided to show that the Appellant's first penalty was incorrect. The Appellant's mother averred that the Appellant previously lived in West Virginia for less than three months in 2012, positing that the Appellant was unaware of his first work requirement penalty. However, the Appellant who was present and able to testify on his own behalf, neither confirmed nor denied this statement, thus the Appellant's mother's testimony was given little weight.

The Respondent showed by a preponderance of evidence that it followed federal regulations and state policy in notifying the Appellant of work requirements and that it correctly applied a second work requirement penalty beginning April 1, 2025.

CONCLUSIONS OF LAW

- 1) Policy and federal regulations require an individual to register with WFWV 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 WV by March 12, 2025.
- 3) The Respondent terminated the Appellant's SNAP benefits effective April 1, 2025 when he failed to register with WFWV or meet an exemption.
- 4) This is the Appellant's second SNAP penalty and is ineligible for SNAP benefits for six months or until he meets an exemption.

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 21st day of May 2025.

Lori Woodward, Certified State Hearing Officer