



June 24, 2025

[REDACTED]

RE: [REDACTED] v. DoHS/BFA
ACTION NO.: 25-BOR-2206

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 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,

Kristi Logan
Certified State Hearing Officer
Member, State Board of Review

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

cc: Paul Patrick, [REDACTED] DoHS

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

[REDACTED],

Appellant,

v.

Action Number: 25-BOR-2206

**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 [REDACTED]. 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 June 24, 2025.

The matter before the Hearing Officer arises from the May 14, 2025, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Paul Patrick, [REDACTED] DoHS. The Appellant was self-represented. The witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Case Comments
- D-2 Combine Work Notice dated April 21, 2025
- D-3 Notice of SNAP Penalty dated May 14, 2025
- D-4 Notice of SNAP Termination dated May 14, 2025
- D-5 WorkForce WV Registration Screen

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 April 8, 2025, for a one-person assistance group (Exhibit D-1).
- 2) The Appellant's last day of employment was on April 4, 2025 (Exhibit D-1).
- 3) SNAP benefits were approved on April 17, 2025, backdated to the date of application (Exhibit D-1).
- 4) The Respondent sent a Combined Work Notice to the Appellant on April 21, 2025, advising that she was required to register with WorkForce WV, or meet an exemption, by May 8, 2025, to continue receiving SNAP benefits (Exhibit D-2).
- 5) The Respondent imposed a work registration penalty against the Appellant on May 13, 2025, when it was determined that she had not registered with WorkForce WV (Exhibit D-1).
- 6) The Respondent sent notices to the Appellant on May 14, 2025, advising that her SNAP benefits would terminate effective May 31, 2025, due to the imposition of the work registration penalty (Exhibits D-3 and D-4).
- 7) The Appellant registered with WorkForce WV and reported the registration to the Respondent on June 4, 2025 (Exhibit D-5).

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 welfare 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.

(c) *State agency responsibilities.*

(1)(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. If an individual is subject to mandatory E&T, the written notice must also

explain the individual's right to receive participant reimbursements for allowable expenses related to participation in E&T, up to any applicable State cap, and the responsibility of the State agency to exempt the individual from the requirement to participate in E&T if the individual's allowable expenses exceed what the State agency will reimburse, as provided in [paragraph \(d\)\(4\)](#) of this section. In addition, as stated in [paragraph \(c\)\(2\)](#) of this section and [§ 273.24\(b\)\(8\)](#), the State agency must provide a comprehensive oral explanation to the household of each applicable work requirement pertaining to individuals in the household.

(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.

The Worker must enter the appropriate information in the eligibility system at any point during the certification period when the client is due to register with WorkForce West Virginia. **The eligibility system uses this information to send the client the notice to register 30 days prior to the due date. When the Worker discovers the client was not notified that he must re-register during the certification period and is not currently exempt, the Worker must follow the same steps as noted above to establish a new registration due date and to ensure the client is notified 30 days prior to the new registration due date** (emphasis added).

DISCUSSION

Pursuant to policy and federal regulations, an individual must register with WorkForce WV 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 terminated the Appellant's SNAP benefits when it was determined that she failed to register with WorkForce WV by the deadline established by the Respondent.

The Consolidated Work Notice (CWN) is sent to SNAP applicants and recipients when an individual is required to register with WorkForce WV. The CWN explains who must comply with work registration requirements, what qualifies as an exemption, the penalty for failing to comply and when and how each individual must register with WorkForce WV. The Respondent must enter the appropriate information in the eligibility system at any point during the certification period when the client is due to register with WorkForce WV. The eligibility system uses this information to send the client the notice to register 30 days prior to the due date. If an individual was not notified that he or she must re-register during the certification period and is not currently exempt, the Worker must establish a new registration due date and ensure the client is notified 30 days prior to the new registration due date.

The Appellant applied for SNAP benefits on April 8, 2025. The Appellant reported a loss of employment to the Respondent during the April 8, 2025, SNAP application interview. For unknown reasons, the Respondent did not approve the Appellant's SNAP benefits until April 17, 2025. The Respondent mailed the CWN to the Appellant on April 21, 2025, advising that she was required to register with WorkForce WV by May 8, 2025. The Respondent imposed a work registration penalty on May 13, 2025, when it was determined that the Appellant had not registered by the due date listed on the CWN.

Policy stipulates that an individual must be notified 30 days prior to the work registration deadline. The initial certification of the Appellant's SNAP benefits occurred on April 17, 2025, and therefore the work registration due date should have been May 17, 2025. The Respondent failed to provide the Appellant with 30 days' notice to comply with work registration requirements.

Whereas the Respondent failed to provide proper notice of the Appellant's requirement to register with WorkForce WV, the termination of the Appellant's SNAP benefits cannot be affirmed. The Appellant registered with WorkForce WV on June 4, 2025, within 30 days of the initial SNAP certification.

CONCLUSIONS OF LAW

- 1) Pursuant to policy and federal regulations, an individual must register with Workforce WV 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) Policy requires that the Consolidated Work Notice be issued at least 30 days prior to the due date of the work registration.
- 3) The Respondent mailed the Consolidated Work Notice to the Appellant on April 21, 2025, with a due date of May 8, 2025.
- 4) The Respondent failed to provide 30 days' notice to the Appellant of the work registration requirement.

- 5) The Appellant registered with WorkForce WV within 30 days of the initial SNAP certification.
- 6) The Respondent failed to act in accordance with policy in the imposition of the work registration penalty and subsequent SNAP termination.

DECISION

It is the decision of the State Hearing Officer to **reverse** the decision of the Respondent to impose a work registration penalty and the termination of the Appellant's Supplemental Nutrition Assistance Program benefits.

ENTERED this 24th day of June 2025.

Kristi Logan
Certified State Hearing Officer