



August 5, 2025

REMOVED

RE: **REMOVED** v. WV DoHS/BFA
ACTION NO.: 25-BOR-2360

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,

Tara B. Thompson, MLS
Certified State Hearing Officer
Member, State Board of Review

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

cc: Tracy Hanks, DoHS

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

REMOVED

Appellant,

v.

Action Number: 25-BOR-2360

**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 July 30, 2025.

The matter before the Hearing Officer arises from the Respondent's June 18, 2025 decision to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Tracy Hanks, Economic Service Worker. The Appellant appeared and was self-represented. Everyone present was placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

D-1 Case Comments, dated January 18, 2024 through July 8, 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) On May 10, 2025, the Appellant applied for SNAP eligibility via People's Access To Help (PATH) (Exhibit D-1).
- 2) On May 16, 2025, Respondent Worker EW3461 completed the Appellant's SNAP eligibility interview and orally informed him of his responsibility to register with WorkForce West Virginia (WV) (Exhibit D-1).
- 3) On May 19, 2025, the Respondent mailed *SNAP Work Rules* to the Appellant's address of record (Exhibit D-1). The *SNAP Work Rules* instructed that if the Appellant did not follow the rules, the Appellant's SNAP benefits may decrease or end (Exhibit D-1).
- 4) The *SNAP Work Rules* provided that the Appellant must register for job service with WorkForce WV by June 15, 2025, and instructed that the WorkForce WV registration could be completed online or by telephone (Exhibit D-1).
- 5) The *SNAP Work Rules* instructed that the Appellant must contact the Respondent to advise that he registered with job service (Exhibit D-1).
- 6) On June 17, 2025, Respondent Worker EW3461 checked the Appellant's registration status and attempted to contact him by phone to instruct him to complete his registration (Exhibit D-1).
- 7) On June 18, 2025, the Respondent issued notices advising the Appellant that his SNAP benefits would end after June 30, 2025, and a second SNAP ineligibility penalty would be applied for six months because the Appellant failed to register with WorkForce WV.
- 8) On June 23, 2025, the Appellant registered with WorkForce WV (Exhibit D-1).
- 9) The Appellant did not contact the Respondent after registering with WorkForce WV on June 23, 2025, to report that he had registered (Exhibit D-1).
- 10) On July 7, 2025, the Appellant provided Respondent Worker EW3469 with a written statement that he works "different jobs" for his sister (Exhibit D-1).
- 11) On July 7, 2025, Respondent Worker EW3469 checked the WorkForce WV record and discovered the Appellant registered with WorkForce WV on June 23, 2025 (Exhibit D-1).

APPLICABLE POLICY

Code of Federal Regulations 7 CFR § 273.7 *Work Requirements* provides in relevant sections:

(a)(1) *Persons required to register.* Each household member who is not exempt by paragraph (b)(1) of this section shall be registered for employment by the State agency at the time of application, and once every twelve months after initial registration, as a condition of eligibility

Code of Federal Regulations 7 CFR § 273.7(c) *State Agency Responsibilities* provides in relevant sections:

(1)

(i) Non-exempted 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 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 ...

(3) After learning of an individual's non-compliance with SNAP work requirements, the State agency must issue a notice of adverse action to the individual, or to the household if appropriate, within 10 days of establishing that the noncompliance was without good cause ... If the individual complies before the end of the advance notice period, the State agency will cancel the adverse action.

Code of Federal Regulations 7 CFR § 273.7(f) *Ineligibility for failure to comply* provides in relevant sections:

A nonexempt individual who refuses or fails without good cause 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, under the conditions provided in § 273.1(b)(7).

(1)

(i) As soon as the State agency learns of the individual's noncompliance it must determine whether good cause for 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 ...

(2) 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.

Code of Federal Regulations 7 CFR § 273.7(i) *Good Cause* provides in relevant sections:

- (1) The state agency is responsible for determining good cause when a SNAP recipient fails or refuses to comply with SNAP work requirements. Since it is not possible for the Department to enumerate each individual situation that should or should not be considered good cause, the State agency must take into account the facts and circumstances, including information submitted by the employer and by the household member involved, in determining whether good cause exists.
- (2) Good cause includes circumstances beyond the member's control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, the unavailability of transportation, or the lack of adequate child care for children who have reached age six but are under age 12.

West Virginia Income Maintenance Manual (WVIMM) § 14.3.1.A provides in relevant parts: Individuals are required to register with Workforce within 30 days of the date of original approval, unless exempt. Clients must register every 12 months thereafter ... 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.

WVIMM §14.5.1.B provides in relevant parts: A client who fails to register with Workforce is subject to a penalty period. For the first violation, the client is removed from the Assistance Group (AG) for at least three months. For the second violation, the client is removed from the AG for six months. For the third violation, the client is removed from the AG for twelve months.

DISCUSSION

The Respondent terminated the Appellant's SNAP benefits and implemented a six-month ineligibility penalty effective July 1, 2025 because the Appellant failed to register with WorkForce WV by June 15, 2025. The Appellant disputed the Respondent's termination of his SNAP eligibility and argued that he completed his registration before the onset of the July 1, 2025 penalty.

The Respondent bears the burden of proof and had to demonstrate by a preponderance of evidence that a SNAP ineligibility penalty was correctly applied because the Appellant was properly notified of his WorkForce WV registration requirement and failed to comply by the due date.

The Respondent is required to provide an oral and written explanation of the household's work requirements. The records reveal that on May 16, 2025, the Respondent's Worker completed the Appellant's SNAP eligibility interview and informed the Appellant of his WorkForce WV responsibilities. The *SNAP Work Rules* instructed that the Appellant must complete the WorkForce WV registration and notify the Respondent of his registration by June 15, 2025. The *SNAP Work Rules* informed the Appellant he could complete his WorkForce WV registration by telephone or online.

Failure to Comply with WorkForce WV Registration

When a client fails to register with WorkForce and report the registration to the Respondent by the due date, the Respondent may implement a SNAP disqualification penalty period.

The Appellant testified that he completed his WorkForce WV registration on June 17, 2025. The Respondent's case comments reflect that as of June 17, 2025, the Appellant had not completed a registration for job services. When the Respondent learns of the household's non-compliance with SNAP work requirements, the State agency must issue a notice of adverse action to the individual. On June 18, 2025, the Respondent issued a notice advising the Appellant he would be ineligible for SNAP beginning on July 1, 2025 because he failed to complete his registration.

According to the regulations, a registration is complete 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. The preponderance of evidence revealed that the Appellant did not have an identifiable WorkForce WV registration recorded until June 23, 2025. During the hearing, the Appellant testified that he notified the Respondent of his registration on June 17, 2025, which was before the recorded date of his WorkForce WV registration. The Appellant was required to notify the Respondent after he completed his registration. According to the evidence, on July 7, 2025, the Respondent's worker discovered the Appellant had completed his registration on June 23, 2025, after the onset of the July 1, 2025 SNAP ineligibility penalty period.

Pursuant to the regulations, if the individual complies with the requirements before the end of the advanced notice period, the State agency will cancel the adverse action. The evidence revealed that the Appellant registered with WorkForce WV before the onset of the July 1, 2025 SNAP ineligibility penalty but failed to notify the Respondent of the June 23, 2025 registration as required. Because the Respondent's Worker did not discover the Appellant's WorkForce WV registration until after advanced notice period had elapsed, the SNAP ineligibility penalty cannot be removed.

The Federal Regulations grant the State agency the authority to impose a six-month SNAP ineligibility penalty when a nonexempt individual fails for a second time without good cause to comply with SNAP work requirements. The submitted evidence did not indicate the Appellant's failure to comply with the WorkForce WV requirements met a condition of good cause.

During the hearing, the Appellant did not contest that he had been subject to one previous SNAP ineligibility penalty.

CONCLUSIONS OF LAW

- 1) The Respondent must provide the Appellant with a written notice and oral explanation of all applicable work requirements that identify which household member is subject to which work requirement.
- 2) When a client fails to register with WorkForce WV and report the registration to the Respondent by the due date, the Respondent may implement a SNAP disqualification penalty period.
- 3) If the individual complies with the requirements before the end of the advanced notice period, the State agency will cancel the adverse action.
- 4) A registration is complete 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.
- 5) The preponderance of evidence verified the Respondent issued a written notice and oral explanation of his responsibility to register with WorkForce WV by June 15, 2025.
- 6) The preponderance of evidence revealed that the Appellant did not have an identifiable WorkForce WV registration recorded until June 23, 2025.
- 7) The evidence revealed that the Appellant registered with WorkForce WV before the onset of the July 1, 2025 SNAP ineligibility penalty but failed to notify the Respondent of the June 23, 2025 registration as required.
- 8) Because the Respondent's Worker did not discover the Appellant's WorkForce WV registration until after advanced notice period had elapsed, the SNAP ineligibility penalty cannot be removed.
- 9) One previous SNAP ineligibility penalty was applied to the Appellant.
- 10) As the preponderance of evidence revealed the Appellant failed to register with WorkForce WV by the required date, a second SNAP ineligibility penalty must be applied.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's application of a second SNAP ineligibility penalty against the Appellant.

ENTERED this 5th day of August 2025.

Tara B. Thompson, MLS
Certified State Hearing Officer