



September 2, 2025

[REDACTED]

RE: [REDACTED] v. WVDOHS
ACTION NO.: 25-BOR-2451

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,

Todd Thornton
State Hearing Officer
Member, State Board of Review

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

cc: Anita Plows, Department Representative
April Wilson, Department Representative

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

██████████,

Appellant,

v.

Action Number: 25-BOR-2451

**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 ██████████. 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 August 19, 2025, upon an appeal filed on July 17, 2025, which was initially presumed timely but found at hearing to be untimely.

The matter before the Hearing Officer arises from the February 25, 2025 decision by the Respondent to impose a work registration penalty against the Appellant's SNAP household, thereby reducing the Appellant's SNAP benefits.

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

EXHIBITS

Department's Exhibit:

- | | |
|-----|--|
| D-1 | Case summary |
| D-2 | Scheduling order |
| D-3 | Hearing request form, date-stamped July 17, 2025 |

D-4	Case comments
D-5	Notice dated September 25, 2024
D-6	Notice dated February 25, 2025
D-7	West Virginia Income Maintenance Manual (excerpt)

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 was a recipient of SNAP benefits.
- 2) The Appellant completed a review of her SNAP eligibility in September 2024. (Exhibit D-4)
- 3) A Respondent worker made a September 24, 2024 case comment entry regarding the Appellant's case which reads, in part, "[REDACTED] is not working i did explain workforce i explained snap e and t she states needs to talk to husband about it [sic]". (Exhibit D-4)
- 4) In conjunction with the September 2024 SNAP review, the Respondent mailed the Appellant a SNAP Work Rules letter. (Exhibit D-5)
- 5) This letter (Exhibit D-5) set an October 24, 2024 deadline for the Appellant's husband, [REDACTED] to register for job service with Workforce WV.
- 6) The letter (Exhibit D-5) reads, in part, "You must contact [Respondent] and let us know you have registered with job service."
- 7) The letter (Exhibit D-5) reads, in part, "If you don't follow these rules, your SNAP benefits may decrease or end."
- 8) The Appellant's husband did not register by the set deadline.
- 9) The Appellant inquired about TANF assistance in December 2024. (Exhibit D-4)

- 10) A Respondent worker made a December 16, 2024 case comment regarding the Appellant's case which reads, in part, "...she stated that her husband would not do the hours, that he would not do anything, she chose not to apply [sic]". (Exhibit D-4)
- 11) A Respondent supervisor made a February 22, 2025 case comment regarding the Appellant's case which reads, in part, "...[REDACTED] did not updated w/bep, applied sanction to start 4/25 [sic]..."
- 12) The Respondent mailed a February 25, 2025 notice (Exhibit D-6) to the Appellant's household detailed the Workforce WV sanction.
- 13) This notice advised the penalty was applied to [REDACTED] (Exhibit D-6)
- 14) The notice advised that it was Mr. [REDACTED] first penalty and was due to failure to register with Workforce WV. (Exhibit D-6)
- 15) The notice advised that Mr. [REDACTED] would remain ineligible for SNAP benefits for three (3) months or until compliance, whichever is longer. (Exhibit D-6)
- 16) The Appellant's husband registered for Workforce WV on July 16, 2025. (Exhibit D-4)

APPLICABLE POLICY

Code of Federal Regulations 7 CFR § 273.7 provides, in part:

(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.

...

Code of Federal Regulations 7 CFR § 273.7(f) provides, in part:

(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.

(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 (WVIMM) § 14.3.1.A provides in part:

All individuals must register for employment with WorkForce West Virginia, within 30 days of the date of the original approval, unless exempt according to Section 14.2. Clients must register every 12 months thereafter, regardless of the length of time that WorkForce West Virginia considers the registration valid...

WVIMM § 14.5.1.B provides in part:

A client who refuses or fails to register with WorkForce West Virginia, refuses employment, or refuses to provide information about employment status and job availability is subject to the following penalties for the full penalty period or until he reports a change which makes him exempt from the work requirements. See Section 14.2 for exemptions.

- 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...

DISCUSSION

The Appellant has appealed the decision of the Respondent to impose a Workforce WV penalty against her SNAP household, resulting in the removal of the penalized individual from her SNAP assistance group (AG). The Respondent must show by a preponderance of the evidence that it correctly imposed the sanction.

SNAP households are advised of the requirement to register for job service with Workforce WV at application and during eligibility reviews. The Appellant received SNAP for her household, which included her husband, [REDACTED]. Mr. [REDACTED] was advised of his work registration requirement after a September 2024 SNAP review. The notice set a deadline for compliance and explained that non-compliance would result in a penalty and SNAP reduction or termination. Mr. [REDACTED] did not comply with the requirement by the deadline, and the Respondent imposed a first sanction resulting in Mr. [REDACTED] exclusion from the Appellant's SNAP assistance group (AG)

for three months. The Appellant requested a hearing on this matter on July 17, 2025. At the time of the hearing request, its timeliness was unclear, and the matter was scheduled for hearing. The Appellant's request for hearing was not within the time limits set for requesting a hearing, but the action of the Respondent was also clearly affirmed.

The Appellant testified unconvincingly that her husband registered for job service with Workforce WV, reported this information to the Respondent and that the penalty in question was a second sanction. The Respondent provided a notice showing the sanction was Mr. [REDACTED] first sanction and the penalty imposed corresponded to a first sanction penalty duration. Respondent workers recorded case narrative or comments which stated the Appellant was verbally informed of the job service registration requirement in September 2024, that the Appellant opted not to apply for TANF in December 2024 because of Mr. [REDACTED] reported unwillingness to work the required hours for TANF, and that a Respondent supervisor imposed the sanction in late February 2025. The Appellant could not provide the dates she claimed that her husband registered, or the date the registration was reported. She claimed the registration was completed and reported before the deadline, and that the information was reported to an unspecified Respondent worker. She claimed the data exchange used by the Respondent to gather registration information is unreliable but did not offer documentation or clear specifics to counter the Respondent's case narrative documentation. Finally, the Appellant did not request a hearing on the SNAP reduction stemming from Mr. [REDACTED] work penalty until after the sanction ended, making the Appellant's claims unpersuasive.

Based on the reliable evidence and testimony offered at the hearing, the Respondent properly imposed a first sanction against Mr. [REDACTED] and reduced the Appellant's SNAP benefits. The action of the Respondent is affirmed.

CONCLUSIONS OF LAW

- 1) Because an individual in the Appellant's SNAP assistance group (AG) did not comply with a work registration requirement, the Respondent must impose a first sanction against that individual.
- 2) Because a first sanction work registration penalty results in the sanctioned individual being removed from their SNAP AG, the Respondent must reduce the Appellant's SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's imposition of a work registration penalty reducing the Appellant's SNAP benefits.

ENTERED this _____ day of September 2025.

**Todd Thornton
State Hearing Officer**