



September 9, 2025

[REDACTED]

RE: [REDACTED] v. DoHS/BFA
ACTION NO.: 25-BOR-2609

Dear Mr. [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 (DoHS). 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,

Amy Hayes
State Hearing Officer
Member, State Board of Review

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

cc: Kristyne Hoskins, [REDACTED] County DoHS

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

[REDACTED]

Appellant,

v.

Action Number: 25-BOR-2609

**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 September 4, 2025.

The matter before the Hearing Officer arises from the July 28, 2025, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits based upon failure to meet Work Registration Requirements or meet an exemption.

At the hearing, the Respondent appeared by Kristyne Hoskins, Economic Service Worker Senior. The Appellant was self-represented. Appearing as a witness for the Appellant was [REDACTED] his mother. The witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Case Comments Dated April 21, 2025, to July 10, 2025
- D-2 Consolidated Work Notice dated June 19, 2025
- D-3 Case Comments Dated July 10, 2025, to August 11, 2025
- D-4 Notice of SNAP Penalty dated July 28, 2025
- D-5 Notice of SNAP Termination dated July 28, 2025
- D-6 WorkForce WV Registration Screen
- D-7 West Virginia Disability/Incapacity Medical Assessment submitted to the Respondent (date-stamped as received by the Respondent on August 7, 2025)
- D-8 SNAP Work Requirement Penalty Summary screen
- D-9 West Virginia Income Maintenance Manual 14.3

- D-10 West Virginia Income Maintenance Manual 14.4
D-11 West Virginia Income Maintenance Manual 1.2.3.A

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 June 18, 2025 (Exhibit D-1).
- 2) The Appellant is a member of a two-person household and a one-person assistance group.
- 3) The Respondent sent a Consolidated Work Notice to the Appellant on June 19, 2025, advising that he was required to register with WorkForce WV, or meet an exemption, by July 18, 2025, to continue receiving SNAP benefits (Exhibit D-2).
- 4) On July 25, 2025, the Respondent's worker discovered that the Appellant had not registered with WorkForce WV (Exhibits D-4 and D-6).
- 5) The Respondent sent notices to the Appellant on July 28, 2025, advising him that SNAP benefits would terminate effective August 31, 2025, due to the imposition of the work registration penalty (Exhibits D-4 and D-5).
- 6) The Appellant's mother [REDACTED] was listed on the notice dated July 28, 2025, as "Not Eligible" for SNAP. The reason stated was: "Does not buy food or prepare meals with primary person" (Exhibit D-5).
- 7) The Appellant submitted a Disability/Incapacity Medical Assessment to the Respondent on August 7, 2025, which states that he has a diagnosis of "Left lumbar Radiculopathy" (Exhibit D-7).
- 8) On August 6, 2025, a medical provider completed and signed a Disability/Incapacity Medical Assessment for the Appellant (Exhibit D-7).
- 9) The assessment indicated that the expected length of the Appellant's disability/incapacity, as well as accommodations needed to participate in community service or a similar activity were "TBD" (Exhibit D-7).
- 10) The assessment further indicated that the Appellant could participate in an educational activity with accommodations (Exhibit D-7).

APPLICABLE POLICY

Code of Federal Regulations 7 CFR § 273.1 defines the Household concept.

(a) General household definition. A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section:

- (1) An individual living alone;
- (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others;** or
- (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

West Virginia Income Maintenance Manual Chapter 3 explains The Assistance Group (in pertinent part):

3.2.1.A Who Must Be Included?

The SNAP AG must include all eligible individuals who both live together and purchase food and prepare meals together, with the exception of residents of shelters for battered persons.

An individual cannot be a member of more than one SNAP AG in any month.

3.2.1.A.7 Individuals or Groups of Individuals Who Purchase and Prepare Separately

Individuals or groups of individuals living with others, but who customarily purchase food and prepare meals separately, are separate AG's.

Code of Federal Regulations 7 CFR §273.7 describes SNAP work requirements (in pertinent 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.
- (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.

(2) The Food and Nutrition Service (FNS) has defined the meaning of “good cause,” and “voluntary quit,” and “reduction of work effort” as used in paragraph (a)(1)(vii) of this section. See paragraph (i) of this section for a discussion of good cause; see paragraph (j) of this section for a discussion of voluntary quit and reduction of work effort.

(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.

(4) Strikers whose households are eligible under the criteria in § 273.1(e) are subject to SNAP work requirements unless they are exempt under paragraph (b)(1) of this section at the time of application.

(5) State agencies may request approval from FNS to substitute State or local procedures for work registration for PA households not subject to the work requirements under title IV of the Social Security Act or for GA households. However, the failure of a household member to comply with State or local work requirements that exceed the requirements listed in this section must not be considered grounds for disqualification. Work requirements imposed on refugees participating in refugee resettlement programs may also be substituted, with FNS approval.

(6) Household members who are applying for SSI and for SNAP benefits under § 273.2(k)(1)(i) will have SNAP work requirements waived until they are determined eligible for SSI and become exempt from SNAP work requirements, or until they are determined ineligible for SSI, at which time their exemptions from SNAP work requirements will be reevaluated.

(b) Exemptions from work requirements.

(1) The following persons are exempt from SNAP work requirements:

(i) A person younger than 16 years of age or a person 60 years of age or older. A person age 16 or 17 who is not the head of a household or who is attending school, or is enrolled in an employment training program, on at least a half-time basis, is also exempt. If the person turns 16 (or 18 under the preceding sentence) during a certification period, the State agency must register the person as part of the next scheduled recertification process, unless the person qualifies for another exemption.

(ii) A person physically or mentally unfit for employment. For the purposes of this paragraph (b), a State agency will define physical and mental fitness; establish procedures for verifying; and will verify claimed physical or mental unfitness when necessary. However, the State agency must not use a definition, procedure for verification, or verification that is less restrictive on SNAP recipients than a

comparable meaning, procedure, or determination under the State agency's program funded under title IV-A of the Social Security Act.

West Virginia Income Maintenance Manual Chapter 14 explains SNAP work requirements and exemptions (in pertinent part):

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 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.

The Consolidated Work Notice (CWN) is sent to the SNAP 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.

Prior to approval, an individual who verbally refuses to register with WorkForce West Virginia is ineligible until he registers or meets an exemption to the work requirements.

A client who fails to comply by the due date established on the notice to register is subject to a SNAP penalty and the Worker must send an adverse action notice. See Section 14.5. 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 following occurs:

- The client registers; and
- The client notifies the Department of Human Services (DOHS) that he has registered.

If the Worker independently discovers before the penalty goes into effect that the client has registered before the end of the month in which the adverse notice expires, the penalty may be lifted, and benefits restored. There is no requirement on the Department, however, to attempt to independently verify if the client has registered after the date the penalty is entered into the system.

14.2.1.B Exemptions from SNAP Work Requirements (in pertinent part):

The following SNAP clients are exempt from the SNAP work requirements and are not subject to a SNAP penalty for failure to comply:

- **A ... member of the AG who has the responsibility for the care of ...an incapacitated and/or disabled individual. The person receiving the care is not required to reside with the AG or be a member of the SNAP AG.**
- **Individuals who are physically or mentally unfit to engage in full-time employment. See Section 13.15.**

When a client loses eligibility for an exemption, the Worker must determine if the client meets any other exemption criteria prior to imposing a penalty.

If the exemption is lost during the certification period and clients are not required to report the change, they become subject to SNAP work requirements at redetermination. However, if the client reports losing the exemption, he becomes subject to SNAP work requirements at the time the change is reported.

West Virginia Income Maintenance Manual Chapter 13 explains Establishing Disability and Fitness for Employment for the SNAP Program (in pertinent part):

13.15.3 Establishing a Client as Unfit for Employment

This policy applies only to student policy, SNAP work requirements, and Able-Bodied Adults Without Dependents (ABAWD) policy.

- A client who meets the definition of disability is considered to be unfit for employment. No other verification is needed.
- A client who does not meet the definition of disability should be evaluated for fitness for employment. If it is clearly obvious to the worker that the client is unfit for employment, the worker must seek supervisory approval prior to providing the unfit exemption. The supervisor or senior worker must provide the approval. If approved by a supervisor or senior worker, no further verification is needed, but thorough case comments from the supervisor or senior worker must be entered explaining why the client is obviously unfit for employment.
- **A client who does not meet the definition of disability and is not obviously unfit for employment will be requested to provide written verification from a licensed medical professional that the client is unfit for employment.**

West Virginia Income Maintenance Manual Chapter 14 explains penalties for not meeting SNAP work requirements:

14.5.1.B Non-Voluntary Quit Penalties

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.

- First violation: The client is removed from the assistance group (AG) for at least three months or until he/she meets an exemption. If after three months, the client has not complied or met an exemption, the penalty continues until he/she 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 for six months or until he/she meets an exemption. If after six months, the client has not complied or met an exemption, the penalty continues until he/she 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 twelve months or until he/she meets an exemption. If after 12 months, the client has not complied or met an exemption, the penalty continues until he/she does comply or meets an exemption for some reason other than UCI-related activities.

DISCUSSION

Pursuant to policy and federal regulations, an individual must register with WorkForce West Virginia (hereinafter WorkForce) 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 he failed to register with WorkForce or meet an exemption by the deadline established by the Respondent.

The Respondent notified the Appellant on June 19, 2025, that he was required to register with WorkForce, or verify that he was exempt from the SNAP work requirements, by July 18, 2025, to continue receiving SNAP benefits. A work registration penalty was imposed on July 28, 2025, with an effective date of September 1, 2025, when the Appellant had not completed the WorkForce registration and had not verified that he was exempt.

Policy stipulates that a work registration penalty is not imposed if before the end of the month in which the adverse notice expires, the client registers or verifies that he is exempt and notifies the Respondent of his exemption. The Appellant would have had to verify his exemption by August 31, 2025, and report the exemption to the Respondent, for the work registration penalty to be removed.

The Appellant and the Appellant's witness [REDACTED] (hereinafter Ms. [REDACTED]) argued that the Disability/Incapacity Medical Assessment (hereinafter Assessment) provided to the Respondent on August 7, 2025, indicated that he was unable to work. The Appellant contended that he was therefore exempt from the work requirement. However, the Assessment does not verify that the client is unfit for employment, specify the expected duration of the incapacity, or definitively state whether accommodations could enable the Appellant to participate in community service or a similar activity, as it lists an answer of "TBD." Because the statements made by the physician on the Assessment are not definitive, it does not establish that the Appellant has an incapacity which makes him unable to work.

Ms. [REDACTED] testified that the Appellant's case was handled improperly for the following reasons. First, his name and birth date were entered incorrectly by the Respondent when his case was created. Second, that the Appellant and Ms. [REDACTED] should not have been considered as part of the same household. Third, that the Respondent's Worker, Kelli R Hays, listed as the case worker on the Appellant's case, did not return his phone calls and that he was communicated with by other workers of the Respondent. Fourth, Ms. [REDACTED] testified that the Appellant was victimized by the Respondent because the policies are confusing.

The Respondent established that it had corrected the Appellant's name and birth date on the case and all notices admitted to the record had the correct name and birth date. While these errors may have resulted in delays in processing, they did not impact the Appellant's SNAP eligibility. The Respondent's Exhibit D-5 established that Ms. [REDACTED] and the Appellant are members of the same household, but are not in the same Assistance Group, because Ms. [REDACTED] "Does not buy food or prepare meals with primary person." The Respondent's representative testified that, although the name "Kelli R Hays" appears on notices sent to the Appellant, it is the practice of the Respondent to assign whichever Workers are available to contact clients. Based on a review of the evidence, notices were properly sent within the correct timeframes and client contacts were made and received and notated in the case comments. The Board of Review is required to follow the controlling policies and regulations and cannot grant SNAP eligibility exceptions beyond the conditions stipulated within the federal regulations and the agency's policies.

The Appellant and Ms. [REDACTED] indicated that a new physician's statement establishes that the Appellant has an exemption to the work requirement. The Respondent's worker indicated that any change in the Appellant's capacity would require re-application for SNAP. The Respondent's worker also indicated that the Appellant may be able to establish an exemption from work requirements if it is necessary to care for his mother pursuant to Section 14.2.1.B of the Income Maintenance Manual.

Whereas the Appellant did not establish that he was exempt from the work requirements within the required timeframe, the Respondent's decision to terminate the Appellant's SNAP benefits is affirmed.

CONCLUSIONS OF LAW

- 1) Pursuant to policy and federal regulations, an individual must register with Workforce 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 or verify that he was exempt from work requirements by July 18, 2025.
- 3) The Respondent imposed a work registration penalty against the Appellant effective September 1, 2025, when he failed to register with WorkForce or meet an exemption.
- 4) This is the Appellant's first violation, so he was removed from the assistance group (AG) for at least three months or until he meets an exemption.
- 4) A work registration penalty is not imposed if the client registers or verifies that he is exempt and notifies the Respondent of the exemption before the end of the month in which the adverse notice expires.
- 5) The effective date of the Appellant's work registration penalty was September 1, 2025, with adverse notice expiring on August 31, 2025.
- 6) The Disability/Incapacity Medical Assessment completed by the Appellant's physician did not definitively establish that he was exempt from work requirements.
- 7) The Respondent correctly imposed a work registration penalty against the Appellant thereby terminating his SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the decision of the Respondent to impose a work registration penalty and the termination of the Appellant's Supplemental Nutrition Assistance Program benefits. The penalty began on September 1, 2025, and will run for three months or until compliance, whichever is longer.

ENTERED this 9th day of September 2025.

**Amy Hayes
State Hearing Officer**