



September 17, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS/BMS  
ACTION NO.: 25-BOR-2696

Dear Ms. [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,

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

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

cc: Elizabeth Malesick, DoHS

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

[REDACTED]

**Appellant,**

v.

**Action Number: 25-BOR-2696**

**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 9, 2025.

The matter before the Hearing Officer arises from the Respondent's June 26, 2025 decision to terminate the Appellant's Supplemental Nutrition Assistance Program benefits.

At the hearing, the Respondent was represented by Elizabeth Malesick. The Appellant appeared and was self-represented. Both witnesses were placed under oath. Documentary evidence was not submitted by either party.

**Department's Exhibits:**

NONE

**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 14, 2025, the Appellant applied for SNAP benefits.
- 2) On May 14, 2025, the Respondent asked the Appellant to go to WorkForce West Virginia (hereafter, Workforce) and register.
- 3) The Appellant believed she completed the registration on her phone.
- 4) On June 25, 2025, the Respondent checked the Appellant's WorkForce registration status and discovered that she was not registered.
- 5) On June 26, 2025, the Respondent issued a notice advising the Appellant her SNAP benefits would be terminated after July 31, 2025, because she failed to register with WorkForce.
- 6) The Appellant became aware she was not registered for WorkForce when she received the notice issued by the Respondent on June 26, 2025.
- 7) On June 27, 2025, the Respondent registered with WorkForce in-person.
- 8) The Appellant did not notify the Respondent that she registered with WorkForce.

## **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, 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 childcare 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 after July 31, 2025, because she failed to register with WorkForce by the due date. The Appellant argued that she thought she registered on her phone and completed the registration in-person when she learned that her registration was not complete.

The Respondent bears the burden of proof. To prove that the Respondent correctly terminated the Appellant's SNAP eligibility, the Respondent had to demonstrate by a preponderance of evidence that the Appellant was properly notified of her WorkForce registration requirement and failed to comply by the due date.

### **Written Notification and Oral Explanation of SNAP Work Requirements**

The federal regulations instruct that to continue SNAP eligibility, the State agency is required to register non-exempt SNAP members at application and every twelve months thereafter. The Respondent's policy instructs that the client may register by visiting WorkForce or by registering online. No testimony or records were submitted to indicate that the Appellant would qualify for any exemption listed under 7 CFR § 273.7 (b)(1).

The regulations specify that the agency must provide a written notice and oral explanation to the household of all applicable work requirements for all members of the household. The policy presents sequential instructions to explain these requirements to the client and enter the registration due date in the eligibility system. Then, the eligibility system uses this information to send the client the notice to register 30 days before the due date.

The Respondent's representative testified that the Appellant was referred for WorkForce registration on May 14, 2025. During the hearing, the Respondent's representative was asked to explain what she meant by *referred*. The Respondent's representative answered that referral means asking the Appellant to go to WorkForce and register. Testimony offered by the Respondent's representative did not indicate that the Appellant was orally advised she must report her

WorkForce registration to the Respondent. The Respondent's representative testified that she issued a notice advising the Appellant of her WorkForce requirement to register with WorkForce by June 13, 2025.

The Appellant did not dispute that she was orally notified to register with WorkForce and testified that she thought she completed her registration on her phone. After receiving the Respondent's termination notice, the Appellant registered with WorkForce. During the hearing, the Appellant testified that she did not know she had to call and inform the Respondent that she registered. The Appellant testified that she did not receive written notification of her WorkForce requirement and argued that she would have reported her WorkForce registration if she was notified. Because the Respondent was not made aware of the Appellant's compliance with her WorkForce registration requirement, the Appellant's SNAP benefits were terminated.

During the hearing, testimony was provided about periodic issues the Appellant experienced with mail. The Board of Review does not have the authority to resolve issues with mail delivery and can only determine if the Respondent has correctly mailed notices to the Appellant's reported address, as required by the policy and regulations. During the hearing, the Respondent's representative testified that notification was mailed advising the Appellant of responsibility to register with WorkForce.

While the Respondent's representative testified that the Appellant was provided with written notice of her requirement to register and report her registration to the Respondent, the Respondent did not offer any documentary evidence to corroborate the testimony of the Respondent's representative. As the Appellant argued that she did not receive notification and documentary evidence was not provided to corroborate the date, address, and contents of the Respondent's reported notification, the Board of Review cannot affirm that the Appellant received proper written notification of her WorkForce registration requirement.

The preponderance of evidence failed to establish that the Appellant received oral and written notification of her WorkForce registration and reporting requirements.

### **Failure to Comply with WorkForce 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. Because the Respondent failed to prove by a preponderance of the evidence that the Respondent informed the Appellant orally and in writing of her WorkForce registration requirements, the issue of whether the Appellant complied with her WorkForce registration requirements by the due date is moot.

## **CONCLUSIONS OF LAW**

- 1) The Respondent is required to 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 household 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 after an advanced notice of adverse action.
- 3) The preponderance of evidence failed to verify the Respondent provided the Appellant with sufficient written notice and oral explanation of all her applicable work requirements.
- 4) Because the preponderance of evidence failed to verify the Appellant was sufficiently advised in writing and orally of her SNAP work requirements, the Respondent's June 26, 2025, decision to terminate the Appellant's SNAP benefits cannot be affirmed.
- 5) Because the Appellant's SNAP benefits were incorrectly terminated after July 31, 2025, any lost benefits must be retroactively reinstated.

## **DECISION**

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's decision to terminate the Appellant's SNAP benefits because she failed to comply with the work requirement. It is hereby **ORDERED** that any lost benefits be restored and made retroactive to the date of termination.

**ENTERED this 17<sup>th</sup> day of September 2025.**

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**Tara B. Thompson, MLS**  
**Certified State Hearing Officer**