



March 18, 2026

RE: [REDACTED] v. WV DoHS/BFA  
ACTION NO.: 26-BOR-1266

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 (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,

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

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

cc: Sarah Goff, DoHS

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

[REDACTED]

**Appellant,**

v.

**Action Number: 26-BOR-1266**

**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 March 10, 2026.

The matter before the Hearing Officer arises from the Respondent's decision on January 26, 2026, to terminate the Appellant's Supplemental Nutrition Assistance Program benefits.

At the hearing, the Respondent appeared by Hope Summers, DoHS. Appearing as a witness for the Respondent was Sarah Goff, DoHS. The Appellant appeared and was self-represented. All witnesses were placed under oath, and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 West Virginia Income Maintenance Manual (WVIMM) policy excerpts
- D-2 Case Comments
- D-3 DoHS *SNAP Work Rules* Notice, dated December 10, 2025
- D-4 DoHS SNAP Penalty Notice, dated January 26, 2026
- D-5 DoHS SNAP Notice, dated January 26, 2026
- D-6 WorkForce WV Registration screen print

**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 Supplemental Nutrition Assistance (SNAP) benefits for a four-person Assistance Group (AG). His eligibility was determined based on no earned or unearned income (Exhibit D-2).
- 2) On January 26, 2026, the Respondent issued a notice advising the Appellant his SNAP benefits would be terminated after February 28, 2026, because the number of people receiving the benefit had decreased and his income exceeded the eligibility limit (Exhibit D-5).
- 3) The Appellant is a recipient of \$662 weekly Unemployment Compensation Insurance (UCI).
- 4) On December 9, 2025, the Appellant completed a SNAP eligibility interview and reported that he had no unearned income and resided in a four-person AG (Exhibit D-2).
- 5) On December 9, 2025, the Respondent orally notified the Appellant that he and his wife [REDACTED] (hereafter [REDACTED]) must register with WorkForce WV (Exhibit D-2).
- 6) On December 9, 2025, Respondent Worker EW39AX recorded that the Appellant and [REDACTED] were exempt from Able-Bodied Adults Without Dependents (ABAWD) work requirements due to having children under the age of 14 (Exhibit D-2).
- 7) On December 10, 2025, the Respondent mailed notification of *SNAP Work Rules* to the Appellant and [REDACTED] that advised if the SNAP Work Rules were not followed, their SNAP benefits may decrease or end (Exhibit D-3).
- 8) The *SNAP Work Rules* provided that both the Appellant and [REDACTED] must follow the Basic Work Rules and specified what type of individuals may meet an exemption, including individuals taking care of children younger than age 6. The notice instructed that if they believed an exemption applied, to contact the Respondent as soon as possible. The *SNAP Work Rules* provided the relevant contact information (Exhibit D-3).
- 9) The *SNAP Work Rules* for [REDACTED] stipulated that by January 8, 2026:
  1. You must register for job service within 30 days of being approved for SNAP or annually following your review.
  2. You can register for job service online ... or by calling 1-800-252-5627
  3. You must contact DoHS and let us know you have registered with job service.
  4. A caseworker will check your registration in our system
- 10) On January 23, 2026, Respondent Worker EW39AD recorded that [REDACTED] was not registered with WorkForce WV (Exhibit D-2).
- 11) On January 23, 2026, the Appellant reported to Respondent Worker EW39AD that he was receiving UCI (Exhibit D-2).

- 12) On January 23, 2026, Respondent Worker WS3906 recorded that the Appellant's income exceeded the eligibility limit for a three-person household (Exhibit D-2).
- 13) When making the Appellant's SNAP termination decision, the Respondent considered \$2,846.60 gross unearned income and applied a \$209 standard deduction to determine the Appellant's \$2,637.60 net adjusted income (Exhibit D-5).
- 14) At the time of the Respondent's decision, the Respondent's record reflected the Appellant had shelter costs of \$125 monthly property taxes, and \$585.91 monthly mortgage.
- 15) The Respondent's representative testified that the Respondent attributed a \$518 Heating/Cooling Standard (HCS) when determining the household's eligibility but applied \$0 shelter/utility deduction because the Respondent determined that 50% of the Appellant's income exceeded the shelter costs.
- 16) On January 26, 2026, the Respondent issued a notice advising the Appellant that a 3-month SNAP ineligibility penalty was applied to [REDACTED] because she failed to register with WorkForce WV (Exhibit D-4).
- 17) On February 9, 2026, Respondent Worker EW39AK checked [REDACTED] WorkForce registration and recorded she had completed her registration on February 9, 2026, without indicating a job preference (Exhibit D-2).
- 18) On February 9, 2026, the Appellant was advised by telephone that [REDACTED] was placed in a SNAP penalty for failure to complete her WorkForce registration (Exhibit D-2).
- 19) [REDACTED] registered with WorkForce WV on February 9, 2026 (Exhibit D-6).

### **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 that 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) § 14.2.1 SNAP Work Requirements for Non-WV Works Clients** provides that SNAP clients are subject to a work requirement unless exempt. The following work requirements apply to all SNAP clients who:

- Do not receive and/or are disqualified from WV WORKS; or
- Do not receive WV WORKS but do receive SNAP benefits in the same SNAP assistance group (AG) with WV WORKS clients.

**WVIMM § 14.2.1.A Work Requirements** include registration with WorkForce West Virginia, as detailed in Section 14.3. Failure of an individual to register within the time limits found in Section 14.3 and each 12 months thereafter, results in application of a penalty for not meeting the work requirement.

**WVIMM § 14.2.1.B Exemptions from SNAP Work Requirements** provides that SNAP clients are exempt from the work requirements and are not subject to a SNAP penalty for failure to comply when:

- A parent, or other member of the AG who has the responsibility for the care of a child under the age of six, of an incapacitated and/or disabled individual.
- Individuals receiving Unemployment Compensation Insurance (UCI) from any state.

**WVIMM § 14.5 SNAP Work Requirement Penalties** provides that a SNAP penalty is imposed when clients do not comply with a work requirement and do not have good cause .... When determining the correct number of penalties, the Worker must look at the total number of penalties previously serviced, not just the number of penalties for each work requirement. The penalty must be served unless the client meets an exemption. The penalty is never applied to an entire AG, only to the client who does not comply. When the reported exemption ends, the client is subject to the original penalty, unless he has complied or meets another exemption.

**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**

According to the policy, a SNAP penalty may be imposed when a client does not comply with a work requirement and does not have good cause for noncompliance. The SNAP work requirements include registration with WorkForce West Virginia. Pursuant to the regulations, the Respondent must notify the AG orally and in writing of all applicable work requirements for all members of the household. The Respondent bears the burden of proof and had to demonstrate by a

preponderance of evidence that the Appellant was properly notified of the work requirements and failed to comply by the required date.

The case comments provided by the Respondent indicate that the Appellant was orally notified of the work requirements. Pursuant to the notice issued by the Respondent, the Appellant was notified that [REDACTED] must register for WorkForce WV and notify the Respondent of her registration by January 8, 2026. During the hearing, the Appellant did not contest receiving the notice and testified that he should have paid more attention to the notification provided.

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

On January 23, 2026, the Respondent recorded that the Appellant was receiving UCI and [REDACTED] was not registered with WorkForce WV. Pursuant to the policy, UCI is a basis for exemption of the work registration requirement. Upon learning of [REDACTED] WorkForce WV registration non-compliance, the Respondent was required to issue notice of adverse action to her within 10 days of establishing that non-compliance was without good cause. On January 26, 2026, the Respondent issued a notice advising the Appellant that a 3-month SNAP ineligibility penalty was applied to [REDACTED] because she failed to register with WorkForce WV. The same day, the Respondent issued a notice advising the Appellant his SNAP benefits would be terminated after February 28, 2026, because the number of people receiving the benefit had decreased and his income exceeded the eligibility limit.

During the hearing, the Appellant testified that his wife is responsible for being present when their elementary aged children get on and off of the bus. The federal regulations provided that the Respondent is responsible for determining good cause when a SNAP recipient fails or refuses to comply with SNAP work requirements. Pursuant to the regulations, good cause may include the lack of adequate childcare for children who have reached age six but are under age 12. No evidence was supplied to establish that the Respondent had considered this as a basis when determining that Mrs. Hinkle failed to comply with WorkForce WV registration without good cause.

According to the *SNAP Work Rules*, [REDACTED] was required to complete her job service registration and contact the Respondent to advise her registration was complete. Then, the rules provide that a caseworker would check the registration in the agency's system. According to the case comments, [REDACTED] completed her registration and the Appellant notified the Respondent on February 9, 2026. The Appellant was advised on February 9, 2026, that [REDACTED] needed to select a job preference, which was not mentioned on the *SNAP Work Rules*. Pursuant to the WorkForce WV screen print, the Appellant fully completed her registration on February 9, 2026. Because the *SNAP Work Rules* did not require [REDACTED] to notify the Respondent a second time that she indicated a job preference, the Appellant's requirement to notify the agency was satisfied.

Pursuant to the evidence, [REDACTED] completed her WorkForce WV registration on February 9, 2026, and notified the Respondent, which was before the onset of the proposed action to terminate the household's SNAP benefits after February 28, 2026. Because [REDACTED] complied with her job service registration requirements before the end of the advance notice period, the Respondent

should have canceled the adverse action. Because the Respondent should have canceled the imposition of [REDACTED] SNAP ineligibility penalty, the Respondent's decision regarding the AG's SNAP eligibility based on a three-person AG cannot be affirmed. As the Respondent incorrectly removed [REDACTED] from the Appellant's AG, the issue of the Respondent's accuracy calculating the Appellant's eligibility based on a three-person AG is moot.

### CONCLUSIONS OF LAW

- 1) A client who fails to register with WorkForce WV is subject to a penalty period. For the first violation, the client is removed from the Assistance Group (AG) for at least three months.
- 2) The Respondent is required to notify the AG orally and in writing of all applicable work requirements for all members of the household and identify which household member is subject to which work requirement.
- 3) The preponderance of evidence demonstrated that the Respondent notified the AG of work requirements as stipulated by the regulations.
- 4) According to the regulations, after learning of an individual's non-compliance with SNAP work requirements, the Respondent must issue a notice of adverse action to the individual, or to the household, within 10 days of establishing that noncompliance was without good cause. If the individual complies before the end of the advance notice period, the Respondent must cancel the adverse action.
- 5) The preponderance of evidence proved that the Respondent issued a notice of adverse action within 10 days of establishing that [REDACTED] failed to comply with WorkForce WV registration.
- 6) The preponderance of evidence proved that [REDACTED] completed her WorkForce WV registration and notified the Respondent on February 9, 2026, constituting compliance with her job service registration before the end of the advanced notice period.
- 7) Because [REDACTED] complied with WorkForce WV registration before the end of the advanced notice period, the Respondent should have canceled the adverse action.
- 8) The preponderance of evidence demonstrated that the Respondent incorrectly applied a three-month SNAP ineligibility penalty to [REDACTED].
- 9) Because the Respondent incorrectly removed [REDACTED] from the Assistance Group, the Respondent's decision to evaluate and terminate the Appellant's SNAP benefits based on a three-person AG was incorrect and cannot be affirmed.
- 10) As the Respondent incorrectly removed [REDACTED] from the Appellant's AG, the issue of the Respondent's accuracy calculating the Appellant's eligibility based on a three-person AG is moot.

**DECISION**

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's decisions to implement a SNAP ineligibility penalty against [REDACTED] and terminate the Appellant's eligibility for SNAP.

**ENTERED this 18<sup>th</sup> day of March 2026.**

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