



August 31, 2026

RE: [REDACTED] v. DoHS/BFA
ACTION NO.: 26-BOR-2310

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,

Amy Hayes
State Hearing Officer
Member, State Board of Review

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

cc: Carl Hostler, Assistant Attorney General
[REDACTED] Appellant Representative

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

[REDACTED]

Appellant,

v.

Action Number: 26-BOR-2310

**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 August 18, 2026.

The matter before the Hearing Officer arises from the July 1, 2026 decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits after July 31, 2026, based upon failure to meet work registration requirements or meet an exemption.

At the hearing, the Respondent appeared by Carl Hostler, Assistant Attorney General. Appearing as a witness for the Respondent was Kristyne Hoskins, Economic Service Worker Senior. The Appellant appeared by attorney [REDACTED]. The Appellant was present and testified on his own behalf. The witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Supplemental Nutrition Assistance Program (SNAP) review completed by [REDACTED] received by the Department of Human Services (DoHS) on May 19, 2026
- D-2 Screen print of case comments for comments dated April 27, 2026 to July 16, 2026
- D-3 Notice of SNAP Work Rules from DoHS to [REDACTED] dated May 14, 2026
- D-4 Screen print of case comments for comments dated April 27, 2026 to July 16, 2026
- D-5 Email from [REDACTED] to dohsbfav20@wv.gov with attached paystubs dated May 26, 2026
- D-6 Screen print of "WorkForce WV Registration" with "Last Updated" date June 30, 2026
- D-7 Notice of SNAP work requirement penalty from DoHS to [REDACTED] dated July 1, 2026

D-8 Screen print of “SNAP Work Requirement Penalty Request” with “Last Updated” date August 6, 2026

Appellant’s Exhibits:

- A-1 [REDACTED] Psychiatric Evaluation of [REDACTED] dated April 25, 2025
- A-2 Application Summary for Supplemental Security Income dated November 13, 2025
- A-3 Written Notification of Legal Representation in Social Security matter dated April 29, 2026
- A-4 Social Security Administration Decision dated May 4, 2026
- A-5 Psychological Evaluation of [REDACTED] dated June 29, 2026
- A-6 Wechsler Adult Intelligence Scale – Fifth Edition Score Report for [REDACTED] dated July 28, 2026
- A-7 List of Pharmacy Orders for [REDACTED] for date range July 1, 2025 to July 24, 2026
- A-8 Notice of SNAP work requirement penalty from DoHS to [REDACTED] dated July 1, 2026

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 April 25, 2025, the Appellant was evaluated by [REDACTED] MA, LPC, ALPS, at [REDACTED] Health, and diagnosed with “Major depressive disorder, Generalized anxiety disorder, Other specified feeding or eating disorder, and Transportation insecurity.” (Exhibit A-1)
- 2) The Appellant applied for Supplemental Nutrition Assistance Program (SNAP) benefits in May 2025, and registered with WorkForce WV on June 12, 2025. (Exhibit D-6)
- 3) The Appellant’s SNAP application was approved and he received SNAP benefits as a one-person assistance group. (Exhibit D-1)
- 4) On November 13, 2025, the Appellant applied for Supplemental Security Income (SSI) from the Social Security Administration (SSA). (Exhibit A-3)
- 5) On April 2, 2026, the Respondent received a letter showing that the Appellant’s application for SSI had been denied. (Exhibit D-4)
- 6) On April 22, 2026, the Respondent notified the Appellant that his SNAP benefits must be reviewed and he must complete a redetermination form and submit it by May 1, 2026. (Exhibit D-1)
- 7) On May 4, 2026, the SSA notified the Appellant that his request for reconsideration of his application for SSI had been denied because the SSA found that the Appellant’s condition was not severe enough to keep him from working. (Exhibit A-3)

- 8) On May 14, 2026, the Respondent notified the Appellant that he must follow the SNAP Basic Work Rules, and that he might not have to follow these rules if he was “Already working at least 30 hours a week,” “Already earning \$217.50 (gross pay) or more per week,” or “Not working because of a physical or mental health reason.” (Exhibit D-3)
- 9) The May 14 notice also stated that the Appellant must “Register for job service with Workforce WV” by June 12, 2026. (Exhibit D-3)
- 10) On May 19, 2026, the Respondent received the Appellant’s completed SNAP redetermination form. On the form, the Appellant reported that he worked at [REDACTED] in [REDACTED] West Virginia, for an average of 15 hours a week, and was paid \$151 per week. (Exhibit D-1)
- 11) The Appellant did not register with Workforce WV by June 12, 2026. (Exhibit D-4)
- 12) On June 15, 2026, the Appellant requested a hearing before an administrative law judge regarding his SSI denial. (Exhibit A-4)
- 13) The Appellant was evaluated on June 29, 2026, by [REDACTED] M.A., Licensed Psychologist, and was diagnosed with “Autism Spectrum Disorder, Major Depressive Disorder, Generalized Anxiety Disorder, and Unspecified Feeding or Eating Disorder.” The psychologist recommended that the Appellant may benefit from continued therapy services to assist in increasing coping and socialization skills and decreasing anxious symptomology. (Exhibit A-5)
- 14) On July 1, 2026, the Respondent notified the Appellant that a work requirement penalty had been applied because of failure to register with Workforce WV, that it was penalty number one (1), and that he would remain ineligible for SNAP benefits for three (3) months or until compliance, whichever is longer. (Exhibit D-7)

APPLICABLE POLICY

Code of Federal Regulations 7 CFR §273.7 describes SNAP work requirements, in pertinent part (emphasis added):

(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 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 SNAP work requirements and exemptions, in pertinent part (emphasis added):

14.2.1.B Exemptions from SNAP Work Requirements

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

- **Individuals who are physically or mentally unfit to engage in full-time employment. See Section 13.15.**

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.

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 Supplemental Nutrition Assistance Program (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 Appellant applied for SNAP benefits in May 2025, and registered with WorkForce as required on June 12, 2025. The Respondent notified the Appellant on May 14, 2026, that he was required to register with WorkForce again, or verify that he was exempt from the SNAP work requirements, by June 12, 2026, to continue receiving SNAP benefits. A work registration penalty was imposed on July 1, 2026, with an effective date of August 1, 2026, because the Appellant had not completed the WorkForce registration and had not verified that he was exempt. The Appellant's SNAP benefits were closed on August 1, 2026.

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 with WorkForce or verifies that he is exempt and notifies the Respondent of his exemption. The Appellant would have had to register or verify his exemption by July 31, 2026, and report this to the Respondent, for the work registration penalty to be removed.

The Appellant reported on his SNAP redetermination form, received by the Respondent on May 19, 2026, that he worked at [REDACTED] A SNAP recipient is exempt from work registration if

he is working at least 30 hours a week or earning \$217.50 or more per week. The Appellant reported that he was working 15 hours a week and earning \$151 per week. Because the Appellant did not report that he was working at least 30 hours a week or earning \$217.50 per week or more, he did not establish that his employment exempted him from work registration.

Pursuant to policy, a client is exempt from the work requirement if he is unable to work because of a physical or mental health reason. The Appellant argues that he is unable to work because of mental health reasons. The Appellant submitted documents for the hearing on August 11, 2026, which he argues show that he has mental health issues which exempt him from the work registration requirement.

An April 25, 2025 psychiatric evaluation was completed by [REDACTED] MA, LPC, ALPS, at [REDACTED] Health. The evaluation includes a self-report by the Appellant that he had a job but he was unable to keep working because of things that happened in his life that made him miserable. The evaluation states that the Appellant has diagnoses of major depressive disorder, generalized anxiety disorder, other specified feeding or eating disorder, and transportation insecurity. The Respondent's witness, Kristyne Hoskins, testified that this evaluation was not sufficient to show that the Appellant was exempt from work registration requirements because it was a year old at the time the Appellant needed to show that he was exempt. Even if this evaluation were more recent, it does not state that the Appellant is not capable of working.

A November 13, 2025 application for Supplemental Security Income (SSI) benefits includes a self-report that the Appellant is disabled. The Appellant's SSI application was denied, and he has filed an appeal. The Appellant argues that there has been no final denial of his SSI benefits because he continues to exercise his rights to appeal the denial. However, Ms. Hoskins testified that the Social Security Administration has not deemed the Appellant disabled and has not given a disability onset date. The evidence showed that the Respondent could not accept the pending SSI benefit appeal as verification that the Appellant is disabled and therefore exempt from work registration requirements.

The Appellant also provided a psychological evaluation completed on June 29, 2026, by [REDACTED] M.A., Licensed Psychologist. This report includes diagnoses of autism spectrum disorder, major depressive disorder, generalized anxiety disorder, and unspecified feeding or eating disorder. Ms. Hoskins testified that this documentation was not submitted to the Respondent until after the penalty onset date. Even if this evaluation had been submitted before July 31, 2026, it does not state that the Appellant is not capable of working.

Pursuant to policy, 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. To meet this exemption, the Appellant was required to provide such documentation to the Respondent before July 31, 2026. The preponderance of the evidence showed that the Appellant did not provide written verification from a licensed medical professional that he was unfit for employment.

Ms. Hoskins testified that, if the Appellant provides written verification from a licensed medical professional that he is unfit for employment, he can reapply for SNAP benefits, and the Respondent

will consider the documentation in determining whether the Appellant is exempt from work registration requirements.

The Appellant argues that working for 15 hours a week at [REDACTED] is the most he is capable of, given his mental health issues. The Appellant contends that if registering for WorkForce would cause him to have to accept a different job or a full-time job, it would present a hardship. Ms. Hoskins testified that the requirement to register with WorkForce does not prevent the Appellant from continuing to work at [REDACTED] and does not necessitate that he take other jobs which might be offered to him. The Appellant also argues that the policy is confusing, and he did not understand that he had to register for WorkForce, because he already had a job. However, not understanding the policy is not a factor in eligibility determinations. The Board of Review cannot pass judgment on the policy, it can only determine if the Respondent followed the policy.

Whereas the Appellant did not register with WorkForce or establish that he was exempt from the work registration requirements, 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. The Appellant was required to register with WorkForce or verify that he was exempt from work registration requirements by June 12, 2026.
- 2) The Respondent imposed a work registration penalty against the Appellant and closed his SNAP benefits effective August 1, 2026, because he failed to register with WorkForce or meet an exemption.
- 3) 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.
- 4) Because the Appellant did not register with Workforce, and his current job, the psychiatric evaluation, the Supplemental Security Income application and appeal, and the psychological evaluation, did not establish that the Appellant was exempt from work registration requirements, the Respondent was correct to impose a work registration penalty against the Appellant.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the decision of the Respondent to impose a work registration penalty and terminate the Appellant's Supplemental Nutrition Assistance Program benefits. The penalty began on August 1, 2026, and will run for three months or until compliance, whichever is longer.

ENTERED this 31st day of August 2026.

Amy Hayes
State Hearing Officer
Member, Board of Review