WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted]

Appellant,

v. **Action Number: 26-BOR-2695**

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 West Virginia Office of Inspector General Common Chapters Manual. This fair hearing was convened on September 29, 2026.

The matter before the Hearing Officer arises from the Respondent's reduction of Supplemental Nutrition Assistance Program (SNAP) benefits based on a work program sanction as outlined in notices dated July 6, 2026.

At the hearing, the Respondent appeared by Trevor Wayne, Economic Service Worker, WV DoHS. The Appellant was represented by her husband [redacted] All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 SNAP Work Rules notice dated June 1, 2026
- D-2 Notice of Decision dated July 6, 2026 (SNAP penalty letter)
- D-3 Notice of Decision dated July 6, 2026 (SNAP reduction letter)
- D-4 Case Comments from Respondent's computer system
- D-5 WorkForce West Virginia Registration data exchange information from Respondent's computer system

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 is a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits.

2) The Respondent sent the Appellant a SNAP Work Rules notice on June 1, 2026, indicating that her husband [redacted] must register with WorkForce West Virginia by June 30, 2026 (Exhibit D-1).

3) [redacted] failed to register with WorkForce West Virginia by June 30, 2026.

4) On July 2, 2026, the Respondent determined that [redacted] had not registered with WorkForce West Virginia and imposed a third work program sanction against [redacted] (Exhibit D-4).

5) The third work program sanction (12-month penalty) began effective August 1, 2026.

6) Two previous work program penalties had been imposed against [redacted] in 2019 (three-month penalty) and in 2021 (six-month penalty).

7) The Respondent sent the Appellant a Notice of Decision on July 6, 2026, indicating that SNAP benefits would decrease from $802 to $587 effective August 1, 2026, because the number of people receiving SNAP benefits had been reduced (Exhibit D-3).

8) The Respondent sent [redacted] a notice on July 6, 2026, indicating that a third work program penalty would be imposed against him, and he would remain ineligible for SNAP benefits for 12 months (Exhibit D-2).

9) A data exchange between the Respondent and WorkForce West Virginia shows that [redacted] registered with WorkForce West Virginia on August 7, 2026, after the work program penalty had already been imposed (Exhibit D-5).

10) The Appellant completed a SNAP redetermination via telephone on May 6, 2026, and was registered with WorkForce West Virginia at that time. During the review, the worker "explained programs and exemptions" for work programs (Exhibit D-4).

APPLICABLE POLICY

Code of Federal Regulations 7 CFR §273.7 describes work requirements for SNAP recipients:

(a) Work requirements
(1) As a condition of eligibility for SNAP benefits, each household member who is 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…

(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.

(c)State Agency Responsibilities
(1)(i) The State agency must register for work each household member not exempted by the provisions of paragraph (b)(1) of this section. The State agency must permit the applicant to complete a record or form for each household member required to register for employment in accordance with paragraph (a)(1)(i) of this section. 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. These work requirements include the general work

requirement in paragraph (a) of this section, mandatory E&T in paragraph (a)(1)(ii) of this section, and the ABAWD work requirement at §273.24. 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 a new household member becomes subject to these work requirements, and at recertification.
(iii) The consolidated written notice must include all pertinent information related to each of the applicable work requirements, including: An explanation of each applicable work requirement; which individuals are subject to which work requirement; exemptions from each applicable work requirement; an explanation of the process to request an exemption (including contact information to request an exemption); the rights and responsibilities of each applicable work requirement; what is required to maintain eligibility under each applicable work requirement; pertinent dates by which an individual must take any actions to remain in compliance with each applicable work requirement; the consequences for failure to comply with each applicable work requirement; an explanation of the process for requesting good cause (including examples of good cause circumstances and contact information to initiate a good cause request); and any other information the State agency believes would assist the household members with compliance.

(f)(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 Chapter 14.2.1.A states that all SNAP applicants/recipients are subject to a work requirement, unless exempt.

West Virginia Income Maintenance Manual Chapter 14.3.1.A states that all individuals must register for employment with WorkForce West Virginia within 30 days of the date of the original SNAP approval unless exempt. Clients must register every 12 months thereafter, regardless of the length of time that WorkForce West Virginia considers the registration valid. A client may register by visiting a WorkForce West Virginia office or may register online.

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

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.

Chapter 14.5.1.B of the Manual states that 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 or she reports a change which makes him/her exempt from work requirements.

Chapter 14.5.1.B states that for a third work program violation, the individual is removed from the SNAP Assistance Group for at least 12 months or until he or she meets an exemption. If after 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

Policy states that all SNAP applicants/recipients are subject to a work requirement, unless exempt. A non-WV WORKS recipient who refuses or fails to register with WorkForce West Virginia is subject to a penalty for the full penalty period or until he or she reports a change that makes him/her exempt from work requirements. For the third work program violation, the individual is removed from the SNAP Assistance Group for at least 12 months or until he or she meets an exemption. A client who fails to comply by the due date established on the notice to register is subject to a SNAP penalty. 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 client registers and notifies the Department of Human Services that he has registered.

The Respondent acknowledged that [redacted] registered with WorkForce West Virginia on August 7, 2026; however, the work program penalty could not be removed because it was in effect as of August 1, 2026.

[redacted] testified that he registered with WorkForce West Virginia following his SNAP review in May 2026 because he was told that his registration would expire soon. He stated that he registered by telephone but does not recall the date. [redacted] indicated that he does not remember his previous work program sanctions and was having issues with addiction at that time.

Trevor Wayne, Economic Service Worker with the Respondent, testified that [redacted] was given an opportunity to provide verification from WorkForce West Virginia that he had registered prior to the effective date of the sanction; however, [redacted] testified that he was unable to obtain any verification.

While [redacted] contention is noted, there is no verification that he registered with WorkForce West Virginia prior to imposition of the SNAP penalty. Therefore, the Respondent's action to apply the penalty to the Appellant's SNAP benefits is affirmed.

CONCLUSIONS OF LAW

1) A non-WV WORKS recipient who refuses or fails to register with WorkForce West Virginia is subject to a penalty for the full penalty period or until he or she reports a change that makes him/her exempt from work requirements.

2) Lloyd Messer was required to register with WorkForce West Virginia by June 30, 2026.

3) There is no evidence that [redacted] registered by June 30, 2026, and the Respondent imposed a penalty on SNAP benefits effective August 1, 2026.

4) [redacted] registered with WorkForce West Virginia on August 7, 2026, after the SNAP penalty had begun. Therefore, the penalty could not be removed.

5) The Respondent's decision to impose a 12-month work program penalty against [redacted] is correct.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to impose a 12-month work program penalty against [redacted] and reduce the Appellant's SNAP benefits effective August 2026.

ENTERED this 30th day of September 2026.

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Pamela L. Hinzman
State Hearing Officer