



STATE OF WEST VIRGINIA
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

Sherri A. Young, DO, MBA, FAAFP
Cabinet Secretary

Ann Vincent-Urling
Interim Inspector General

March 12, 2024



RE: [REDACTED] v. WV DoHS BFA
ACTION NO.: 24-BOR-1154

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. These same laws and regulations are used in all cases to assure 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,

Todd Thornton
State Hearing Officer
Member, State Board of Review

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

cc: Leslie Riddle, Department Representative

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

██████████,

Appellant,

v.

Action Number: 24-BOR-1154

**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 ██████████. 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 February 22, 2024, on a timely appeal filed January 23, 2024.

The matter before the Hearing Officer arises from the January 19, 2024 decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Leslie Riddle. The Appellant was self-represented. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Notice (SNAP Work Rules), dated August 17, 2023
Notice of decision, dated January 18, 2024

- D-2 Notice (SNAP 6 or 12 month contact form), dated December 18, 2023
(Returned by the Appellant, received by Respondent January 12, 2024)

- D-3 Case comments regarding the Appellant's case from the Respondent's data system
Entries dated January 22, 2024, through February 6, 2024

- D-4 West Virginia Income Maintenance Manual, Chapter 3 (excerpts)

D-5 General Case Information (screen print) from the Respondent's data system regarding the Appellant's case

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 SNAP benefits.
- 2) The Respondent mailed the Appellant a notice, dated August 17, 2023 (Exhibit D-1), advising of SNAP Work Rules.
- 3) This notice (Exhibit D-1) read, in pertinent part, “[Appellant], you must follow the **Basic Work Rules** and the **Able-Bodied Adults Without Dependents (ABAWD) Time Limit Rules.**” (emphasis in original)
- 4) The notice (Exhibit D-1) explained the Appellant's Basic Work Rules requirements, specifically requiring the Appellant to register for job service with WorkForce West Virginia, with a registration deadline of September 15, 2023.
- 5) The notice (Exhibit D-1) further advised the Appellant “...**must** contact [Respondent] and let us know you have registered with job service.” (emphasis in original)
- 6) The notice (Exhibit D-1) further explained the ABAWD Time Limit Rules and exemptions and specifically advised the Appellant, “...You can only get SNAP for 3 months in 3 years unless you meet these Time Limit Rules...We will count each full month that you receive SNAP benefits but do not meet these Time Limit Rules without a good reason. Once we have counted 3 full months, you will lose your benefits until **January 2025...**” (emphasis in original)
- 7) The Appellant did not register for job service with WorkForce WV before the September 15, 2023 deadline.
- 8) The Appellant did not comply with ABAWD Time Limit Rules.
- 9) The Appellant did not have a verified ABAWD exemption.

- 10) The Respondent mailed the Appellant a “6 or 12 month contact form” (Exhibit D-2) to return and complete by January 2, 2024.
- 11) The Appellant returned this form (Exhibit D-2) after the set deadline, on January 12, 2024.
- 12) Upon processing this form (Exhibit D-2), the Respondent issued a January 18, 2024 notice (Exhibit D-1) to the Appellant advising that “A Supplemental Nutrition Assistance Program (SNAP) work requirement penalty has been applied to [Appellant]. The reason for this penalty is because of FAILURE TO REGISTER W/BEP...” (emphasis in original), explained that this was the Appellant’s second sanction, and advised that the Appellant would be ineligible for SNAP “...FOR SIX MONTHS OR UNTIL COMPLIANCE, WHICHEVER IS LONGER...” (emphasis in original)
- 13) The Appellant’s SNAP benefits were terminated based on the failure to comply with the WorkForce WV job registration requirement and the time-limited receipt of SNAP benefits without compliance with ABAWD requirements.

APPLICABLE POLICY

Code of Federal Regulations Title 7 §273.24 explains ABAWD participation in SNAP:

(a) Definitions

(1) ***Fulfilling the work requirement*** means:

(i) Working 20 hours per week, averaged monthly; for purposes of this provision, 20 hours a week averaged monthly means 80 hours a month;

(ii) Participating in and complying with the requirements of a work program 20 hours per week, as determined by the State agency;

(iii) Any combination of working and participating in a work program for a total of 20 hours per week, as determined by the State agency; or

(iv) Participating in and complying with a workfare program;

(2) ***Working*** means:

(i) Work in exchange for money;

(ii) Work in exchange for goods or services (“in kind” work); or

(iii) Unpaid work, verified under standards established by the State agency.

(iv) Any combination of [paragraphs \(a\)\(2\)\(i\)](#), [\(a\)\(2\)\(ii\)](#) and [\(a\)\(2\)\(iii\)](#) of this section.

(3) **Work Program** means:

(i) A program under title 1 of the Workforce Innovation and Opportunity Act (WIOA) (Pub. L.113–128);

(ii) A program under section 236 of the Trade Act of 1974 ([19 U.S.C. 2296](#));

(iii) An employment and training program operated or supervised by a State or political subdivision of a State agency that meets standards approved by the Chief Executive Office, including a SNAP E&T program under § 273.7(e) excluding any job search, supervised job search, or job search training program. However, a program under this clause may contain job search, supervised job search, or job search training as subsidiary activities as long as such activity is less than half the requirement. Participation in job search, supervised job search, or job search training as subsidiary activities that make up less than half the requirement counts for purposes of fulfilling the work requirement under [paragraph \(a\)\(1\)\(ii\)](#) of this section.

(iv) A program of employment and training for veterans operated by the Department of Labor or the Department of Veterans Affairs. For the purpose of this paragraph, any employment and training program of the Department of Labor or Veterans Affairs that serves veterans shall be an approved work program; or

(v) A workforce partnership under [§ 273.7\(n\)](#)

(b) **General Rule.** Individuals are not eligible to participate in SNAP as a member of any household if the individual received SNAP benefits for more than three countable months during any three-year period, except that individuals may be eligible for up to three additional countable months in accordance with [paragraph \(e\)](#) of this section.

(1) **Countable months.** Countable months are months during which an individual receives SNAP benefits for the full benefit month while not:

(i) Exempt under [paragraph \(c\)](#) of this section;

(ii) Covered by a waiver under [paragraph \(f\)](#) of this section;

(iii) Fulfilling the work requirement as defined in [paragraph \(a\)\(1\)](#) of this section;

(iv) Receiving benefits that are prorated in accordance with [§ 273.10](#); or

(v) In the month of notification from the State agency of a provider determination in accordance with [§ 273.7\(c\)\(18\)\(i\)](#).

(2) **Good cause.** As determined by the State agency, if an individual would have fulfilled the work requirement as defined in [paragraph \(a\)\(1\)](#) of this section, but missed some hours for good cause, the individual shall be considered to have fulfilled the work requirement if the absence from work, the work program, or the workfare program is temporary. Good cause shall include circumstances beyond the individual's control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, or the unavailability of transportation. In addition, if the State agency grants an individual good cause under [§ 273.7\(i\)](#) for failure or refusal to meet the mandatory E&T requirement, that good cause determination confers good cause under this paragraph, except in the case of [§ 273.7\(i\)\(4\)](#), without the need for a separate good cause determination under this paragraph. Good cause granted under [§ 273.7\(i\)\(4\)](#) only provides good cause to ABAWDs for failure or refusal to participate in a mandatory SNAP E&T program, and does not confer good cause for failure to fulfill the work requirement in [paragraph \(a\)\(1\)](#) of this section.

(3) **Measuring the three-year period.** The State agency may measure and track the three-year period as it deems appropriate. The State agency may use either a “fixed” or “rolling” clock. If the State agency chooses to switch tracking methods it must inform FNS in writing. With respect to a State, the three-year period:

(i) Shall be measured and tracked consistently so that individuals who are similarly situated are treated the same; and

(ii) Shall not include any period before the earlier of November 22, 1996, or the date the State notified SNAP recipients of the application of Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ([Pub. L. 104–193](#)).

(4) **Treatment of income and resources.** The income and resources of an individual made ineligible under this [paragraph \(b\)](#) shall be handled in accordance with [§ 273.11\(c\)\(2\)](#).

(5) **Benefits received erroneously.** If an individual subject to this section receives SNAP benefits erroneously, the State agency shall consider the benefits to have been received for purposes of this provision unless or until the individual pays it back in full.

(6) **Verification.** Verification shall be in accordance with [§ 273.2\(f\)\(1\)](#) and [\(f\)\(8\)](#).

(7) **Reporting.** A change in work hours below 20 hours per week, averaged monthly, is a reportable change in accordance with [§ 273.12\(a\)\(1\)\(viii\)](#). Regardless of the type of reporting system the State agency assigns to potential ABAWDs, the State agency must adhere to the statutory requirements of time-limited benefits for individuals who are subject to the work requirement. The State agency may opt to

consider work performed in a job that was not reported according to the requirements of [§ 273.12](#) “work.”

(8) The State agency shall inform all ABAWDs of the ABAWD work requirement and time limit both in writing and orally in accordance with [§ 273.7\(c\)\(1\)\(ii\)](#) and [\(iii\)](#).

(c) **Exceptions.** The time limit does not apply to an individual if he or she is:

(1) Under 18 or 50 years of age or older;

(2) Determined by the State agency to be medically certified as physically or mentally unfit for employment. An individual is medically certified as physically or mentally unfit for employment if he or she:

(i) Is receiving temporary or permanent disability benefits issued by governmental or private sources;

(ii) Is obviously mentally or physically unfit for employment as determined by the State agency; or

(iii) If the unfitness is not obvious, provides a statement from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, a licensed or certified psychologist, a social worker, or any other medical personnel the State agency determines appropriate, that he or she is physically or mentally unfit for employment.

(3) Is a parent (natural, adoptive, or step) of a household member under age 18, even if the household member who is under 18 is not himself eligible for SNAP benefits;

(4) Is residing in a household where a household member is under age 18, even if the household member who is under 18 is not himself eligible for SNAP benefits;

(5) Is otherwise exempt from work requirements under section 6(d)(2) of the Food and Nutrition Act of 2008, as implemented in regulations at [§ 273.7\(b\)](#); or

(6) Is pregnant.

(d) **Regaining eligibility.**

(1) An individual denied eligibility under [paragraph \(b\)](#) of this section, or who did not reapply for benefits because he was not meeting the work requirements under [paragraph \(b\)](#) of this section, shall regain eligibility to participate in SNAP if, as determined by the State agency, during any 30 consecutive days, he or she:

- (i) Worked 80 or more hours;
- (ii) Participated in and complied with the requirements of a work program for 80 or more hours;
- (iii) Any combination of work and participation in a work program for a total of 80 hours; or participated in and complied with a workfare program; or
- (iv) At State agency option, verifies that the he or she will meet one of the requirements in [paragraphs \(d\)\(1\)\(i\), \(d\)\(1\)\(ii\), \(d\)\(1\)\(iii\), or \(d\)\(1\)\(v\)](#) of this section, within the 30 days subsequent to application; or
- (v) Becomes exempt.

(2) An individual regaining eligibility under [paragraph \(d\)\(1\)](#) of this section shall have benefits calculated as follows:

(i) For individuals regaining eligibility by working, participating in a work program, or combining hours worked and hours participating in a work program, the State agency may either prorate benefits from the day the 80 hours are completed or from the date of application, or

(ii) For individuals regaining eligibility by participating in a workfare program, and the workfare obligation is based on an estimated monthly allotment prorated back to the date of application, then the allotment issued must be prorated back to this date.

(3) There is no limit on how many times an individual may regain eligibility and subsequently maintain eligibility by meeting the work requirement.

(e) ***Additional three-month eligibility.*** An individual who regained eligibility under [paragraph \(d\)](#) of this section and who is no longer fulfilling the work requirement as defined in [paragraph \(a\)](#) of this section is eligible for a period of three consecutive countable months (as defined in [paragraph \(b\)](#) of this section), starting on the date the individual first notifies the State agency that he or she is no longer fulfilling the work requirement, unless the individual has been satisfying the work requirement by participating in a work or workfare program, in which case the period starts on the date the State agency notifies the individual that he or she is no longer meeting the work requirement. An individual shall not receive benefits under this [paragraph \(e\)](#) more than once in any three-year period.

West Virginia Income Maintenance Manual Chapter 3 explains ABAWD eligibility and exemptions:

3.2.1.D.1.a Expanding the Target Audience

- Effective October 1, 2022, all West Virginia counties are required to enforce the ABAWD work requirement per WV state code §9-8-2.
- Effective September 1, 2023, all 50-year-olds receiving SNAP (who are not exempt) must meet the ABAWD work requirement per the Fiscal Responsibility Act of 2023.
- Effective October 1, 2023, all 51-and-52-year-olds receiving SNAP (who are not exempt) must meet the ABAWD work requirement per the Fiscal Responsibility Act of 2023.

3.2.1.D.2 ABAWD Eligibility

For SNAP Assistance Groups, any individual who meets the definition of an ABAWD and who is normally required to be included in the AG can only receive benefits when he is otherwise eligible and:

- Meets the work requirements outlined below or meets an exemption listed below;
- Is in his first three-month period while not meeting the ABAWD work requirement or being exempt within the 36-month period; or
- Regains eligibility after meeting the ABAWD work requirement and is in his additional three-month period, which must be consecutive months.

3.2.1.D.3 ABAWD Work Requirement

An ABAWD must meet the following ABAWD work requirements, in addition to the SNAP work requirements in Chapter 14, to be eligible. All work hours must be verified, including in-kind services and unpaid work. As long as an ABAWD is exempt as found in the exemptions below or meets any of the requirements below, he may receive SNAP benefits, if otherwise eligible. Otherwise, he is ineligible once he has received SNAP benefits for three months without being exempt or meeting the ABAWD work requirement. The three months need not be consecutive and include SNAP benefits received from another state. The ABAWD work requirement is met by either:

- Working at least 20 hours per week or 80 hours a month;
- Participating in a work program such as, but not limited to: WorkForce Innovation and Opportunity Act (WIOA) Title I programs or a refugee resettlement program, at least 20 hours per week or 80 hours per month; or
- Participating in a SNAP E&T program for the required number of hours.

3.2.1.D.3.a Good Cause for Not Meeting ABAWD Work Requirements

An ABAWD who would have fulfilled the work requirement through working (paid or unpaid), participating in a work program such as SNAP E&T, or a combination of working and participating in a work program, but missed some hours for good cause, would be considered to have fulfilled the work requirement if the absence from work or the work program is temporary. A temporary period is considered less than a one-month period. Good cause includes circumstances beyond the individual's control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, or the unavailability of transportation. If an ABAWD is granted good cause in any month for not meeting the ABAWD work requirement, the individual cannot receive a countable ABAWD month in the same period. It is the responsibility of the ABAWD to report to the agency why they are unable to meet the ABAWD work requirement. The worker must document granting good cause in the case record.

3.2.1.D.4 Exemptions from ABAWD Time Limits and ABAWD Work Requirements

SNAP benefits received while exempt do not count toward the three-month limit. An individual is exempt if he:

- Receives SNAP benefits in a SNAP AG that contains an individual under the age of 18, even if the household member who is under 18 is not eligible for SNAP himself;
- Is responsible for the care of an incapacitated person, whether or not the person receiving the care resides with the client, and whether or not the incapacitated person is a member of the AG. The incapacity of the person must be verified through a written statement from a doctor, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, or a licensed or certified psychologist.
- Caring for an incapacitated person must prevent the client from being able to complete a work activity. If questionable, written verification is required.
- Is receiving Unemployment Compensation Insurance (UCI). An individual who has applied for but is not yet receiving unemployment compensation is also exempt if he is complying with the unemployment application process, including those applying out of state. This includes persons receiving benefits under the Trade Readjustment Allowance (TRA);
- Is certified as physically or mentally unfit for employment according to the provisions in Section 13.15;
- Is a veteran of any United States military branch, regardless of discharge status. This includes individuals who served through the Army, Navy,

Marine Corp, Air Force, Space Force, Coast Guard, National Guard, including those who served in a reserve component of the Armed Forces.

- Is pregnant, regardless of the expected date of delivery. The pregnancy must be verified;
- Is a regular participant in a drug addiction or alcoholic treatment and rehabilitation program when the participation in this program would prevent the individual from meeting the work requirement or participating in an employment/training program the required number of hours. When exempting ABAWDs due to participating in a drug addiction or alcoholic treatment and rehabilitation program, the Worker must verify the number of hours the client must commit to the program to determine if the individual is exempt;
- Is a student enrolled at least half-time in any recognized school, training program, or institution of higher education. Students enrolled at least half-time in an institution of higher education must still meet the student eligibility requirements found above to be eligible for SNAP;
- Is hired for work at least 30 hours per week;
- Is hired for work paying the equivalent of at least 30 hours times the federal minimum wage per week; or
- Is aged 24 years or younger and was in foster care on their 18th birthday. The former foster individual must have aged out of custody at the maximum allowable age. This could be older than 18 in other states. The former foster individual can receive this exemption until they turn 25 years old.
- Is meeting the definition of a homeless individual. An individual is considered homeless when they are living without shelter, residing in a shelter, sleeping in an area not designed to accommodate human beings, or have inconsistent housing. An individual who is living in a shelter, without shelter, or in an area not designed to accommodate human beings is homeless regardless of the amount of time spent in that living arrangement. After 90 consecutive days in one residence an individual is no longer considered to have inconsistent housing and is no longer considered homeless.
- Is the recipient of a discretionary exemption through the Division of Family Assistance (DFA). For any month in which a discretionary exemption has been granted, a case comment will be entered into the eligibility system. These exemptions qualify the individual to participate immediately, if otherwise eligible. These exemptions are only applicable to the ABAWD time limit and ABAWD work requirement and do not automatically exempt the individual from the SNAP work requirements in Chapter 14.

3.2.1.D.5 Determining the 36-Month Period

For all individuals, regardless of client's status or the county or state of residence, the first 36-month period began January 2016. The 36-month period remains fixed. Receiving SNAP months without being exempt or meeting the work requirement in another state counts towards the client's three-month limit in West Virginia. The worker must only count such months within the current 36-month period.

3.2.1.D.6 Determining the Three-Month Limit

Months in which the client received prorated benefits do not count toward the three-month limit. When circumstances change so that an Issuance Limited County (ILC) ABAWD, who has been exempt or meeting the Requirement, is no longer meeting an exemption or the work requirement, the first full countable month of the limit would be the month of benefits after the exemption ended.

West Virginia Income Maintenance Manual § 14.3.1.A documents:

All SNAP recipients must register for employment with WorkForce West Virginia, within 30 days of the date of the original SNAP approval, unless exempt. Recipients must register every 12 months thereafter, regardless of the length of time that WorkForce West Virginia considers the registration valid. 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 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.

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 Health and Human Resources (DHHR) 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 § 14.5.1.B documents:

A client who refuses or fails to register with WorkForce West Virginia 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 meets an exemption. If after three 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 Unemployment Compensation Insurance (UCI) related activities.
- Second violation: The client is removed from the AG six months or until he meets an exemption. If after six 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.
- Third and subsequent violations: The client is removed from the AG for 12 months or until he meets an exemption. If after the 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.

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

(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.

DISCUSSION

The Appellant requested a hearing to appeal the Respondent's decision to terminate the Appellant's SNAP benefits due to non-compliance with WorkForce WV requirements and non-compliance with ABAWD rules in excess of the time-limited issuance set forth by policy. The Respondent must show by a preponderance of the evidence that it correctly terminated the Appellant's SNAP benefits on these bases.

The Respondent mailed the Appellant a letter in August 2023, outlining his specific requirements to comply with WorkForce WV rules and ABAWD rules. The Appellant did not comply with the WorkForce WV requirement to register for job service by September 15, 2023. The Appellant exhausted the three months of time-limited SNAP issuance without ABAWD compliance. The Appellant did not establish any exemptions to compliance. The Appellant ultimately complied with the job service registration requirements after the imposition of the work sanction, but these sanctions explicitly require disqualification until whichever date is later: the ending date of the penalty, or until compliance.

The Appellant contended that he did not need to comply with the requirements because he claimed he did not receive the August 2023 SNAP Work Rules letter. The Respondent did not receive this letter, or any other correspondence during this period, as returned mail from the postal service. The Appellant provided the address used by the Respondent in his initial application. The Appellant is responsible for reporting address changes and maintaining the security of his own

mail. The Appellant testified that the issues with his mail began in November 2023, several months after the SNAP Work Rules letter was delivered. The Appellant did nothing substantive to resolve his reported ‘issues’ with receiving mail after discovering the problem. The Appellant received and replied to a December 2023 SNAP contact form delivered to the same address. The Appellant’s testimony that he did not receive the SNAP Work Rules letter is unconvincing for these reasons.

The reliable testimony and evidence from the hearing established that the Appellant was required to comply with both WorkForce WV rules and ABAWD rules and did neither until after the imposition of the sanction – in the instance of WorkForce rules – or until the exhaustion of time-limited SNAP issuance – in the instance of ABAWD rules. The Appellant did not establish any exemptions to the requirements. The Appellant has subsequently complied with WorkForce WV rules, but by policy is subject to the full penalty period. The Appellant’s three months of ABAWD time-limited issuance has been exhausted until January 2025. The Respondent correctly terminated the Appellant’s SNAP benefits on these bases.

CONCLUSIONS OF LAW

- 1) Because the Appellant did not comply with WorkForce WV job registration requirements by the established deadline, the Respondent must impose a SNAP work penalty.
- 2) Because the Appellant complied with the WorkForce WV job registration requirements subsequent to the penalty imposition, the Respondent must continue this SNAP work penalty until the full penalty is served.
- 3) Because the Appellant meets the ABAWD definition without any established exemptions, he is subject to time-limited SNAP issuance.
- 4) Because the Appellant exhausted his time-limited SNAP issuance without ABAWD compliance (or established exemptions), the Respondent must terminate the Appellant’s SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the decision of the Respondent to terminate the Appellant’s Supplemental Nutrition Assistance Program (SNAP) benefits due to the imposition of a WorkForce WV job registration penalty, and due to the exhaustion of time-limited SNAP issuance under ABAWD requirements.

ENTERED this _____ day of March 2024.

**Todd Thornton
State Hearing Officer**