



April 4, 2024

[REDACTED]

RE: [REDACTED] v. WVDoHS  
ACTION NO.: 24-BOR-1298

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: Krystle Harrison, Department Representative

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

████████████████████,

**Appellant,**

v.

**Action Number: 24-BOR-1298**

**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 27, 2024, on a timely appeal filed February 2, 2024.

The matter before the Hearing Officer arises from the December 8, 2023 decision by the Respondent to apply a SNAP work penalty and reduce SNAP benefits.

At the hearing, the Respondent appeared by Krystle Harrison. The Appellant appeared pro se, represented by ██████████ an assistance group member in the Appellant's SNAP household. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

D-1 Case Summary

D-2 Scheduling Order

D-3 IG-BR-29 form  
Hearing Request form

D-4 SNAP Work Rules Notice, dated September 18, 2023

D-5 SNAP Work Requirement Penalty Notice, dated December 8, 2023

D-6 Notice of SNAP reduction, dated January 12, 2024

D-7 Case Comments from the Respondent's data system regarding the Appellant's SNAP 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 is a recipient of SNAP benefits.
- 2) The Appellant was sent a notice dated September 18, 2023, regarding SNAP Work Rules. (Exhibit D-4)
- 3) This notice advised the Appellant she must "...register for job service..." by October 17, 2023.
- 4) The Appellant did not register for job service by the set deadline.
- 5) The Respondent mailed the Appellant a notice (Exhibit D-5) of the SNAP work requirement penalty Notice, dated December 8, 2023.
- 6) The notice (Exhibit D-5) advised the Appellant she "...will remain ineligible for SNAP benefits for 3 months or until compliance, whichever is longer..."
- 7) The Respondent notified (Exhibit D-6) the Appellant of the effect of the sanction on her SNAP benefits, noting a reduction to a \$33 monthly amount after the exclusion of the Appellant from her SNAP household.

**APPLICABLE POLICY**

**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 appeals the Respondent's decision to reduce the Appellant's SNAP benefits due to non-compliance with WorkForce WV requirements. The Respondent must show by a preponderance of the evidence that it correctly reduced the Appellant's SNAP benefits on this basis.

The Appellant was required to register with WorkForce WV. The Respondent notified the Appellant of this requirement, the deadline for compliance, and the consequences of non-compliance. The Appellant did not register as required by the deadline. The Respondent issued notices advising the Appellant of her first SNAP work penalty, and of the resulting decrease in her SNAP allotment. The Appellant ultimately complied with the registration requirements after the deadline, but the sanction must continue – as noted in policy and the penalty letter – for three months or until compliance, whichever is longer.

The Appellant did not appear for the hearing personally, but was represented by [REDACTED], an individual receiving SNAP benefits in the Appellant's SNAP household. [REDACTED] predominantly argued that the Respondent's workers were not responsive to phone calls and other communication attempts made by him and by the Appellant. These arguments are irrelevant in the Appellant's case. The Respondent's notification burden was met when they sent the SNAP work rules notice to the Appellant. The Respondent's workers were not required to remind the Appellant, and the Appellant's work requirement does not simply disappear because [REDACTED] claimed to have asked a worker if "anything else" was needed during a December eligibility interview (months after the missed deadline).

[REDACTED] also unconvincingly argued that the Appellant did not receive the Respondent's notices. In response, the Respondent worker noted that the Appellant was mailed – and returned – a SNAP review document and a LIEAP application. [REDACTED] was asked when his issues with the mail began and stated that the problems have been ongoing for years. Despite this, [REDACTED] and the Appellant took no steps to secure their own mail other than [REDACTED] claim that he "spoke to" the Post Office.

Reliable evidence and testimony from the hearing clearly shows that the Respondent properly applied a first work penalty sanction against the Appellant, reducing her SNAP benefits as a result of her exclusion from the SNAP assistance group. The Respondent properly notified the Appellant of her requirements, which were not met. The Respondent properly notified the Appellant of the work sanction and resulting SNAP reduction. The Respondent's decision is affirmed.

**CONCLUSIONS OF LAW**

- 1) Because the Appellant did not comply with her work registration requirements, the Respondent must apply a SNAP work sanction.
- 2) Because the Appellant's sanction is a first sanction, it is applied for three months or until compliance, whichever is longer.
- 3) Because the sanction requires the Appellant to be excluded from the SNAP assistance group, the Respondent must reduce the SNAP allotment reflecting this exclusion.

**DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the decision of the Respondent to reduce the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits due to the imposition of a WorkForce WV job registration penalty.

**ENTERED this \_\_\_\_\_ day of April 2024.**

\_\_\_\_\_  
**Todd Thornton**  
**State Hearing Officer**