



May 9, 2024

[REDACTED]

RE: [REDACTED] v. WVD_oHS
ACTION NO.: 24-BOR-1708

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: Rebecca Roush, Department Representative
Charles Cline, Department Representative

- D-7 West Virginia Income Maintenance Manual excerpts
- D-8 Screen print of Client Notices Summary 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 applied for SNAP benefits on January 2, 2024, and was approved for SNAP subsequent to the Appellant providing necessary documentation.
- 2) Upon approval for SNAP, the Respondent issued the Appellant a notice dated January 30, 2024 (Exhibit D-1), outlining SNAP work rules.
- 3) This notice (Exhibit D-1) advised the Appellant she must "...follow the Basic Work Rules..."
- 4) The notice (Exhibit D-1) explained that to follow the Basic Work Rules, the Appellant must "...[r]egister for job service with Workforce WV when approved for SNAP and every 12 months after..."
- 5) The notice (Exhibit D-1) specifically identified the Appellant as the individual that must register and set a deadline for compliance on February 9, 2024.
- 6) The Appellant did not register as required by February 9, 2024.
- 7) The Respondent mailed the Appellant a notice (Exhibit D-2) dated February 15, 2024, advising her that a first-offense work requirement penalty was applied to the Appellant for "...FAILURE TO REGISTER W/BEP...", that the penalty was her first penalty, and that she would "...remain ineligible for SNAP benefits..." for three (3) months or until compliance, whichever is longer.
- 8) The Respondent additionally mailed the Appellant a notice (Exhibit D-3) dated February 15, 2024, advising her that the work penalty would result in the termination of her SNAP benefits, effective March 1, 2024.
- 9) The notices (Exhibits D-1, D-2, and D-3) were mailed to the address provided by the Appellant on her application (Exhibit D-4).

- 10) The notices (Exhibits D-1, D-2, and D-3) were not returned by the postal service to the Respondent.
- 11) The Appellant reported an address change on March 15, 2024. (Exhibit D-5)

APPLICABLE POLICY

WVIMM, Chapter 14, §14.5 addresses SNAP Work Requirement Penalties, and §14.5.1.B provides (emphasis added):

Non-Voluntary Quit Penalties

A client who refuses or fails to register with Workforce WV, 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 the work requirements. See Section 14.2 for exemptions.

- First violation: The client is removed from the 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 violation: The client is removed from the AG 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 Title 7 §273.1 defines the household concept, §273.1(b)(7) lists individuals not eligible to participate as a member of any SNAP household, and at §273.1(b)(7)(iii) provides, “Individuals disqualified for noncompliance with the work requirements of § 273.7...”

Code of Federal Regulations Title 7 §273.7 specifies SNAP work requirements, and at §273.7(a)(1)(i), provides:

§ 273.7 Work provisions.

(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.

DISCUSSION

The Appellant has appealed the decision of the Respondent to terminate the Appellant's SNAP benefits due to a work registration penalty. The Respondent must show by a preponderance of the evidence that its decision to terminate SNAP on this basis was correct.

The Appellant was identified as an individual required to comply with "Basic Work Rules" as a condition of receiving SNAP benefits and was notified of her requirements on January 30, 2024 (Exhibit D-1). The rules included a requirement for the Appellant to register with job service, or Workforce WV, by February 9, 2024. The Appellant did not comply with this requirement by the set deadline (and, it should be noted, policy requires disqualification for the full sanction period in instances of late compliance). The Respondent delivered notices of the work penalty itself (Exhibit D-2) and the effect of that work penalty (Exhibit D-3) on the Appellant's SNAP benefits, which in this case was termination effective March 1, 2024.

The Appellant argued that she did not receive the notices from the Respondent. These notices were mailed to the address the Appellant provided (Exhibit D-4) to the Respondent and were not returned by the postal service to the Respondent. The responsibility for reporting address changes lies with the Appellant, who did so on March 15, 2024 (Exhibit D-5), over a month after the Respondent's notices were mailed and not returned. It is more convincing that the Appellant received these notices than not and is therefore bound by the requirements therein.

There was no dispute that this was the Appellant's first work penalty, and there was no claim from the Appellant that her SNAP household consisted of more than herself. SNAP policy requires a three-month penalty for a first-offense sanction. The removal of the Appellant for three (3) months results in termination of a one-person SNAP household. The notices (Exhibits D-2 and D-3) reflect the sanction count, sanction duration, and the result on SNAP eligibility.

Based on the reliable evidence and testimony provided at the hearing, the Respondent proved that it acted correctly to terminate the Appellant's SNAP benefits due to a work registration penalty.

CONCLUSIONS OF LAW

- 1) Because the Respondent issued notices to the address provided by the Appellant, without indication from the postal service of undeliverable mail, the Respondent properly notified the Appellant in each instance.

- 2) Because the Appellant was required to register with job service by a set deadline and failed to do so, the Respondent must impose a work penalty against the Appellant.
- 3) Because the penalty is a first-offense sanction, the Appellant is excluded from SNAP eligibility for three (3) months or until compliance, whichever is greater.
- 4) Because the Appellant is the sole member of her SNAP household, the sanction results in SNAP termination while in effect.
- 5) Because the Appellant did not comply as specified, the Respondent must implement a SNAP penalty resulting in the termination of 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 SNAP benefits due to a work registration penalty.

ENTERED this _____ day of May 2024.

**Todd Thornton
State Hearing Officer**