



October 3, 2024

[REDACTED]

RE: [REDACTED] v. WVDoHS
ACTION NO.: 24-BOR-3129

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 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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

cc: Carla Marsh, DoHS

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

██████████,

Appellant,

v.

Action Number: 24-BOR-3129

**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 West Virginia Office of Inspector General Common Chapters Manual. This fair hearing was convened on October 1, 2024.

The matter before the Hearing Officer arises from the Respondent's termination of Supplemental Nutrition Assistance Program (SNAP) benefits as outlined in a notice dated August 16, 2024.

At the hearing, the Respondent appeared by Carla Marsh, Economic Service Worker Senior, WVDoHS. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 SNAP Work Rules notice dated June 28, 2024
- D-2 SNAP penalty notice dated August 16, 2024
- D-3 Notice of Decision dated August 16, 2024
- D-4 Case Comments from Respondent's computer system
- D-5 West Virginia Income Maintenance Manual Chapters 14.2.1, 14.2.1.A, 14.3.1.A, 14.5, 14.5.1 and 14.5.1.B

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 Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) The Respondent sent the Appellant a SNAP Work Rules notice on June 28, 2024, indicating that she must register with WorkForce West Virginia by July 27, 2024 (Exhibit D-1).
- 3) The Appellant failed to register with WorkForce West Virginia by July 27, 2024.
- 4) The Respondent checked the Appellant's WorkForce West Virginia registration status on August 15, 2024, and determined that the status was inactive (Exhibit D-4).
- 5) The Respondent sent the Appellant a Notice of Decision on August 16, 2024, indicating that SNAP benefits would stop effective September 2024 because she failed to register with WorkForce West Virginia (Exhibit D-3).
- 6) The Respondent sent the Appellant a second notice on August 16, 2024, indicating that a first work program penalty would be placed on her case, and she would remain ineligible for SNAP benefits for three months (Exhibit D-2).
- 7) The Appellant registered with WorkForce West Virginia on September 4, 2024 (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.

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 first work program violation, the individual is removed from the SNAP Assistance Group for at least three months or until he or she 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 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 first work program violation, the individual is removed from the SNAP Assistance Group for at least three months or until he or she meets an exemption.

The Appellant testified that her father was hospitalized in [REDACTED] for six weeks beginning in mid-July and that she stayed with him there. She stated that she traveled home at times to get clothing and that she did not receive some of her mail until her father got out of the hospital. The Appellant contended that she attempted to contact the Respondent during that time but could not reach her worker. The Appellant indicated that her father is now in stable condition, and she is searching for a job.

Carla Marsh, Economic Service Worker Senior with the Respondent, testified that, in addition to the in-person registration option, individuals can register with Workforce West Virginia online and via telephone. The SNAP Work Rules notice mailed to the Appellant in June 2024 includes the online registration information as well as a telephone registration number. While the Appellant's situation may have made in-person registration with WorkForce West Virginia difficult, alternative registration processes were available.

Because the Appellant failed to register with WorkForce West Virginia prior to imposition of the SNAP penalty, 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) The Appellant was required to register with WorkForce West Virginia by July 27, 2024.
- 3) The Appellant failed to register with WorkForce West Virginia by July 27, 2024, or prior to imposition of the work penalty.
- 4) The Respondent's decision to impose a three-month work program penalty on the Appellant's SNAP benefits is correct.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to impose a three-month work program penalty on the Appellant's SNAP benefits from September 2024 through November 2024.

ENTERED this 3rd day of October 2024.

**Pamela L. Hinzman
State Hearing Officer**