



November 13, 2024

[REDACTED]

RE: [REDACTED] v. DoHS/BFA  
ACTION NO.: 24-BOR-3501

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,

Kristi Logan  
Certified State Hearing Officer  
Member, State Board of Review

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

cc: Kristen Moore, [REDACTED] DoHS

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

██████████,

**Appellant,**

**v.**

**Action Number: 24-BOR-3501**

**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 November 12, 2024.

The matter before the Hearing Officer arises from the September 18, 2024, decision by the Respondent to reduce the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Kristen Moore, ██████████ DoHS. The Appellant represented herself. The witnesses were placed under oath and the following documents were admitted into evidence.

**Department's Exhibits:**

None

**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 for a three-person assistance group.
- 2) On August 13, 2024, the Respondent mailed the Consolidated Work Notice to the Appellant advising that she was required to register with WorkForce WV by September 11, 2024, to continue receiving SNAP benefits.
- 3) On September 17, 2024, the Respondent imposed a work registration penalty against the Appellant when it was determined that she had not registered with WorkForce WV.
- 4) The Appellant's SNAP benefits were decreased from \$766 to \$536, effective October 1, 2024, due to the removal of the Appellant from the SNAP assistance group.
- 5) The Appellant had previously been exempted from work registration requirements due to the age of her youngest [REDACTED]
- 6) [REDACTED] turned seven years old in [REDACTED] 2024.
- 7) The Appellant registered with WorkForce WV on October 3, 2024.
- 8) The Appellant has two previous work registration penalties.

### **APPLICABLE POLICY**

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.

West Virginia Income Maintenance Manual Chapter 14 explains SNAP work requirements:

#### 14.3.1.A Registration Requirements

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

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

#### 14.5 SNAP Work Requirement Penalties

A Supplemental Nutrition Assistance Program (SNAP) penalty is imposed when clients do not comply with a work requirement and do not have good cause. See Section 20.2 for

the effect of penalties on eligibility for Emergency Assistance (EA). When determining the correct number of penalties, the Worker must look at the total number of penalties previously served, not just the number of penalties for each work requirement. The penalty must be served unless the client meets an exemption. The penalty is never applied to an entire assistance group (AG), only to the client who does not comply. When the reported exemption ends, the client is subject to the original penalty, unless he has complied or meets another exemption. Penalties are applied sequentially, regardless of the requirement not met. In addition, penalties are applied consecutively, and one penalty must end before another one is imposed.

#### **14.2.1.B Exemptions from SNAP Work Requirements**

The following SNAP clients are exempt from the SNAP work requirements and are not subject to a SNAP penalty for failure to comply:

- A person under age 16.
- A person age 16 or 17 who is not the SNAP payee or primary person.
- A person age 16 or 17 who is attending school or enrolled in an employment training program on at least a half-time basis.
- A person enrolled at least half-time in any recognized school, recognized training program, or institution of higher education.
- A person age 60 or over.
- A parent, or other member of the AG who has the responsibility for the care of a child under the age of six, or of an incapacitated and/or disabled individual.
- Individuals receiving Unemployment Compensation Insurance (UCI) from any state. This includes persons receiving benefits under the Trade Readjustment Allotment (TRA).
- Individuals who are physically or mentally unfit to engage in full-time employment.
- Regular participants in a drug addiction or alcoholic treatment and rehabilitation program, either on a resident or non-resident basis.
- Individuals who are employed or self-employed and working a minimum of 30 hours per week, or who are receiving weekly earnings equal to the federal minimum wage multiplied by 30 hours.
- Individuals who receive WV WORKS and do not meet any of the other SNAP exemptions listed above, so long as they are subject to, and complying with, a WV WORKS work requirement.

When a client loses eligibility for an exemption, the Worker must determine if the client meets any other exemption criteria prior to imposing a penalty. If the exemption is lost during the certification period and clients are not required to report the change, they become subject to SNAP work requirements at redetermination. However, if the client reports losing the exemption, he becomes subject to SNAP work requirements at the time the change is reported.

#### **14.5.1.B Non-Voluntary Quit Penalties**

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 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/she meets an exemption. If after three months, the client has not complied or met an exemption, the penalty continues until he/she 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 for six months or until he/she meets an exemption. If after six months, the client has not complied or met an exemption, the penalty continues until he/she 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 twelve months or until he/she meets an exemption. If after 12 months, the client has not complied or met an exemption, the penalty continues until he/she does comply or meets an exemption for some reason other than UCI-related activities.

### **DISCUSSION**

Pursuant to policy and federal regulations, an individual must register with Workforce WV within 30 days of the date of initial SNAP approval and every 12 months thereafter as a condition of eligibility to receive SNAP benefits, unless exempt. An individual who fails to comply by the due date established on the notice to register is subject to a SNAP penalty. For third and subsequent work registration penalties, the recipient is ineligible for SNAP for twelve months.

The Respondent notified the Appellant on August 13, 2024, that she was required to register with WorkForce WV by September 11, 2024, to continue receiving SNAP benefits. A penalty was imposed against the Appellant, with an effective date of October 1, 2024, when the registration had not been completed. The Appellant's SNAP benefits were reduced due to her removal from the SNAP assistance group.

The Appellant testified that she thought her registration was active but realized that it had lapsed. The Appellant stated she was confused about the different policy regarding work registration requirements and Able-Bodied Adult Without a Dependent (ABAWD) work requirements. The Appellant stated she was exempt from ABAWD work requirements due to her children's age and thought she was also exempt from work registration requirements. The Appellant confirmed that her oldest child is seven years old and that she is not working at least thirty hours a week. The Appellant reported no exemptions from work registration requirements.

The Respondent provided proper notice regarding the requirement for the Appellant to register with WorkForce WV. The Appellant did not register with WorkForce until October 3, 2024, after the effective date of the work registration penalty. Whereas the Appellant failed to register with WorkForce WV prior to the onset of the work registration penalty, the Respondent acted in accordance with policy in the removal of the Appellant from the SNAP assistance group and subsequent reduction in benefits.

### **CONCLUSIONS OF LAW**

- 1) SNAP recipients are required to register with WorkForce WV every 12 months, or meet an exemption, to receive SNAP benefits.
- 3) The Respondent notified the Appellant of her requirement to register with WorkForce WV, or meet an exemption, to continue receiving SNAP benefits.
- 4) A work registration penalty was imposed against the Appellant, removing her from the SNAP assistance group, when she failed to register or meet an exemption.
- 5) The Appellant no longer meets an exemption and was required to comply with work registration requirements.
- 6) As this is the third work registration penalty, the Appellant is ineligible to be included in SNAP for twelve months.

### **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 benefits due to the imposition of a work registration penalty.

**ENTERED this 13<sup>th</sup> day of November 2024.**

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**Kristi Logan**  
**Certified State Hearing Officer**