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Si usted tiene preguntas, por favor llame a 304-267-0100

November 19, 2024

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA  
ACTION NO.: 24-BOR-3529

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,

Lori Woodward, J.D.  
Certified State Hearing Officer  
Member, State Board of Review

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

cc: Barbara Bolinger, WV DoHS/BFA

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

██████████,

**Appellant,**

v.

**ACTION NO.: 24-BOR-3529**

**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 19, 2024.

The matter before the Hearing Officer arises from the Respondent's October 16, 2024 decision to close the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Barbara Bolinger, Economic Service Supervisor. The Appellant appeared *pro se*. The witnesses were placed under oath and the following documents were admitted into evidence:

**Department's Exhibits:**

- D-1 SNAP Work Rules Notice (CWN1), dated September 12, 2024
- D-2 WorkForce Penalty Notice (AE06), dated October 16, 2024
- D-3 SNAP Closure Notice (EDC1), dated October 16, 2024
- D-4 WV Income Maintenance Manual, Chapter 14, §14.3.1 (excerpt)
- D-5 WV Income Maintenance Manual, Chapter 14, §14.5 (excerpt)

**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 SNAP benefit recipient who was required to register with WorkForce West Virginia (WorkForce) or meet an exemption to continue receiving benefits.
- 2) The Respondent mailed a Combined Work Notice (CWN1) on September 12, 2024, advising the Appellant that she was required to register with WorkForce or report an exemption, by October 11, 2024, to continue receiving SNAP benefits. (Exhibit D-1)
- 3) On October 16, 2024, the Respondent's worker discovered that the Appellant had not registered with WorkForce.
- 4) On October 16, 2024, the Respondent sent notification (AE06) to the Appellant that a SNAP work requirement penalty was being applied for the Appellant's failure to register with WorkForce for three months or until compliance, whichever is longer. (Exhibit D-2)
- 5) On October 16, 2024, the Respondent sent notification (EDC1) that the Appellant's SNAP benefits would stop effective November 1, 2024, due to her failure to register with WorkForce or to meet an exemption. (Exhibit D-3)

## **APPLICABLE POLICY**

### **Code of Federal Regulations, 7 CFR §273.7:**

#### **(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.

**WV IMM, Chapter 14, §14.3.1.A**, states 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.** [Emphasis added]

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.

**WV IMM, Chapter 14, §14.5.1.B**, states 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

State and federal regulations require an individual to register for work 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.

On September 12, 2024, the Respondent sent notification (CWN1) to the Appellant that she was required to register with WorkForce by October 11, 2024, or report an exemption to the work requirements. The CWN1 was mailed to the Appellant at the address of record, [REDACTED].

On October 16, 2024, the Respondent's worker discovered that the Appellant had not registered with WorkForce and, accordingly, applied a WorkForce penalty on her case. On October 16, 2024, notification of a first work requirement penalty for failure to register with WorkForce (AE06) was mailed to the Appellant along with notification of SNAP closure (EDC1) due to the work registration penalty, again to the address of record. The closure was effective November 1, 2024.

The Appellant contended that she never received the September 12, 2024, CWN1 notice regarding the WorkForce registration requirement, stating she has had issues in the past of not receiving her mail. However, the Appellant did confirm that she received both the AE06 and EDC1 notices sent to her address of record. It is also noted that the Appellant received the Scheduling Order for the hearing which was also sent to the address of record.

It was established during the hearing that the Appellant attempted to register with WorkForce (date unknown), however, she failed to choose a job preference which rendered her registration incomplete. To be considered complete, the WorkForce registration that is in an active job status, must indicate job preferences. Of note, the Respondent's representative testified that the Appellant had been sent a physician's statement form for her to complete if she was attempting to claim an exemption. However, the Appellant testified that she felt she was able to work and therefore did not return the form.

Whereas the Appellant failed to register with WorkForce or meet an exemption by the deadline established by the Respondent, a work registration penalty must be imposed. As this is the Appellant's first work requirement penalty, she is ineligible to receive SNAP benefits for a period of three months.

### **CONCLUSIONS OF LAW**

- 1) Pursuant to SNAP policy, a penalty is imposed if a recipient fails to register with WorkForce by the timeline established by the Respondent.
- 2) The Appellant was required to register with WorkForce WV by October 11, 2024.
- 3) The Respondent imposed a penalty against the Appellant when the registration had not been completed.
- 4) The effective date of the work registration penalty was November 1, 2024.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to terminate the Appellant's SNAP benefits.

**ENTERED this 19<sup>th</sup> day of November 2024.**

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Lori Woodward, Certified State Hearing Officer