



December 5, 2024

[REDACTED]

RE: [REDACTED] v. WVDoHS
ACTION NO.: 24-BOR-3662

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,

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

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

cc: Robert Horton, DoHS
Justin Thorne, DoHS

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

[REDACTED]

Appellant,

v.

Action Number: 24-BOR-3662

**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 [REDACTED]. 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 December 4, 2024.

The matter before the Hearing Officer arises from the Respondent's reduction of Supplemental Nutrition Assistance Program (SNAP) benefits as outlined in a notice dated October 29, 2024.

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

Department's Exhibits:

- D-1 West Virginia Income Maintenance Manual Chapter 13.15.3
- D-2 West Virginia Income Maintenance Manual Chapters 14.2 and 14.3.1
- D-3 Case Comments dated August 29, 2024
- D-4 Case Comments dated September 20, 2024
- D-5 SNAP Work Rules notice requesting WorkForce West Virginia registration dated September 23, 2024
- D-6 Case Comments dated October 25, 2024
- D-7 Case Comments dated October 28, 2024
- D-8 Notice of Decision (SNAP Work Penalty letter) dated October 28, 2024

Appellant's Exhibits:

- A-1 West Virginia Disability/Incapacity Medical Assessment submitted to Respondent (date-stamped as received by Respondent on November 27, 2024), copy of Verification Checklist (dated-stamped as received by Respondent in September 2024, day of month illegible), and Appellant's written statement

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 Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) The Respondent completed a case redetermination on August 29, 2024.
- 3) During the redetermination, the Appellant was issued a Verification Checklist requesting that he provide proof of his son, [REDACTED] inability to work for a possible SNAP work program exemption. The Respondent also requested verification of child support and rent expense (Exhibit A-1).
- 4) On September 20, 2024, the Respondent recorded that the Appellant had provided verification of rent and child support, along with a physician's statement for the Appellant's son dated 2023 (Exhibit D-4).
- 5) At that time, the Respondent removed [REDACTED] work exemption since the physician's statement was not current (Exhibit D-7).
- 6) The Respondent sent the Appellant a SNAP Work Rules letter on September 23, 2024, indicating that [REDACTED] must register with WorkForce West Virginia by October 20, 2024, or meet an exemption (Exhibit D-5).
- 7) The Respondent did not receive the requested WorkForce West Virginia registration and sent the Appellant a notice on October 28, 2024, indicating that the Appellant's son would be placed in a work program penalty for failing to register (Exhibit D-8).
- 8) The work program penalty was a three-month penalty beginning December 2024 through February 2025.
- 9) The Respondent sent the Appellant a notice on October 29, 2024, informing him that his SNAP benefits would decrease from \$536 to \$292 effective December 2024 because the Appellant's son was no longer eligible for SNAP benefits due to the work program penalty.

- 10) The Appellant submitted a Disability/Incapacity Medical Assessment to the Respondent on November 27, 2024, which states that [REDACTED] is unable to work permanently due to his medical conditions, but that [REDACTED] has a “chance of improvement.” The assessment, signed by the medical provider on September 6, 2024, lists medical conditions including Generalized Anxiety Disorder, Major Depressive Disorder, Autism Spectrum Disorder, and Obsessive-Compulsive Disorder (Exhibit A-1)
- 11) The Respondent removed the WorkForce West Virginia sanction effective December 2024 as the medical documentation was submitted prior to the sanction begin date of December 1, 2024.
- 12) The Respondent issued auxiliary benefits to the Appellant to restore December 2024 SNAP benefits to the full allotment.

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.

Code of Federal Regulations Section 7 CFR 273.7(b)(1)(ii) states that a person who is physically or mentally unfit for employment is exempt from SNAP work requirements. For the purposes of this [paragraph \(b\)](#), a State agency will define physical and mental fitness; establish procedures for verifying; and will verify claimed physical or mental unfitness when necessary. However, the State agency must not use a definition, procedure for verification, or verification that is less restrictive on SNAP recipients than a comparable meaning, procedure, or determination under the State agency's program funded under title IV-A of the Social Security Act.

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 13.15.3 states that a client who meets the definition of disability is considered to be unfit for employment and no other verification is needed. A client who does not meet the definition of disability should be evaluated for fitness for employment. If it is obvious to the worker that the client is unfit for employment, then no further verification is needed, but thorough case comments must be entered explaining why the client is obviously unfit for employment. A client who does not meet the definition of disability and is not obviously unfit for employment will be requested to provide written verification from a licensed medical professional that the client is unfit for employment.

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. A client who does not meet the definition of disability and is not obviously unfit for employment will be requested to provide written verification from a licensed medical professional that the client is unfit for employment.

The Respondent imposed a first SNAP work penalty for the Appellant's son after he failed to register with WorkForce West Virginia or provide updated medical documentation stating that he was unable to work by October 20, 2024.

The Appellant contends that he provided a new Disability/Incapacity Medical Assessment to the Respondent at the time he provided other requested verification to the Respondent's office in September 2024. He indicated that he then received a letter in October 2024 indicating that his SNAP benefits would decrease because his son failed to register with WorkForce West Virginia.

The Respondent's witness, Economic Service Worker Robert Horton, testified that an updated physician's statement was provided on November 27, 2024, and the Appellant's son was granted a medical exemption. The work program sanction was removed and the Appellant was issued auxiliary SNAP benefits for December 2024 since the physician's statement was provided before the sanction went into effect. While it is noted that a 2023 Disability/Incapacity Medical Assessment indicates that the Appellant's son's disability is "permanent," the prognosis indicates a "chance of improvement." Therefore, the Respondent's request for an updated medical assessment was reasonable.

Because the Appellant's son failed to register with WorkForce West Virginia, and his updated physician's assessment was date-stamped as having been received by the Respondent on November 27, 2024, the Respondent's action to apply a work program penalty to the Appellant's SNAP benefits in October 2024 was correct. The Appellant provided the physician's statement prior to imposition of the sanction, however, so a medical exemption was granted, the penalty was removed, and SNAP benefits were reinstated.

CONCLUSIONS OF LAW

- 1) A non-WV WORKS recipient who refuses or fails to register with WorkForce West Virginia or provide verification of a medical exemption is subject to a work program penalty.
- 2) The Appellant's son was required to register with WorkForce West Virginia by October 20, 2024.

- 3) The Appellant's son failed to register with WorkForce West Virginia by October 20, 2024, and his updated medical assessment was date-stamped as having been received by the Respondent on November 27, 2024.
- 4) The Respondent's decision to impose a three-month work program penalty on the Appellant's SNAP benefits in October 2024 was correct.
- 5) The Respondent appropriately removed the penalty and restored full December 2024 SNAP benefits since medical exemption documentation was provided in November 2024 prior to imposition of the SNAP penalty.

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 in October 2024. As medical exemption documentation was provided to the Respondent prior to the effective date of the SNAP penalty, the Respondent acted correctly in removing the penalty and restoring full SNAP benefits effective December 2024.

ENTERED this 5th day of December 2024.

**Pamela L. Hinzman
State Hearing Officer**