



December 30, 2024

[REDACTED]

RE: [REDACTED] v. WV DoHS BFA
ACTION NO.: 24-BOR-3848

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,

Angela D. Signore
State Hearing Officer
Member, State Board of Review

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

cc: Carla Addair-Pruit, WV DoHS, [REDACTED]

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

██████████,

Appellant,

v.

Action Number: 24-BOR-3848

**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 December 26, 2024, on an appeal filed December 10, 2024.

The matter before the Hearing Officer arises from the November 13, 2024 determination by the Respondent to apply a three (3) month work requirement sanction, thereby terminating the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Carla Addair-Pruit, Economic Service Supervisor, DoHS. The Appellant appeared *pro se*. Both witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 West Virginia (WV) Department of Human Services (DoHS) SNAP Work Rules Notice, dated September 30, 2024
- D-2 WV DoHS Notice of SNAP Work Requirement Penalty, dated November 13, 2024
- D-3 WV DoHS SNAP Termination Notice, dated November 13, 2024
- D-4 WV People's Access to Help (PATH) eligibility system printout of SNAP Work Requirement Penalty Request
- D-5 West Virginia Income Maintenance Manual (WVIMM) §§ 14.3.1 through 14.3.1.B
- D-6 Handwritten Statement signed by ██████████, dated May 21, 2024, and ██████████ paystubs
- D-7 WV DoHS Notice of SNAP Benefit Renewal, dated October 21, 2024
- D-8 WV PATH eligibility system printout of Case Comments, May 31 through December 10, 2024

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 one (1) person Assistance Group (AG). (Exhibits D-1 through D-4, and D-7 through D-8)
- 2) On September 30, 2024, the Respondent issued a SNAP WorkForce Registration Notice to the Appellant informing her that she must follow the Basic Work Rules by registering with WorkForce and notifying the DoHS once registration was completed. The notice advised the Appellant that her registration deadline was October 27, 2024. (Exhibit D-1)
- 3) The Appellant failed to register with WorkForce or meet an exemption prior to the October 27, 2024 deadline. (Exhibits D-2 through D-4, and D-8)
- 4) On November 12, 2024, the Respondent received an alert advising that the Appellant failed to register with WorkForce. (Exhibit D-8)
- 5) On November 13, 2024, the Respondent issued two (2) notices informing the Appellant that effective December 01, 2024, her SNAP benefits would be terminated, and a first SNAP work requirement penalty would be applied due to the Appellant's failure to register with WorkForce or meet an exemption. The notices informed her that she would remain ineligible for SNAP benefits for a period of three (3) months or until she complied with the SNAP WorkForce registration requirement, whichever was longer. (Exhibits D-2 and D-3)
- 6) On December 01, 2024, the Appellant's SNAP benefits were terminated, and a three (3) month work requirement penalty was applied due to the Appellant's failure to register with WorkForce or meet an exemption prior to the established deadline. (Exhibits D-2, D-3, D-4 and D-8)
- 7) The Appellant registered with WorkForce on November 25, 2024. However, she failed to report it. (Exhibit D-4)
- 8) The Appellant disagreed with the Respondent's decision, and on December 10, 2024, she submitted a request for Fair Hearing.
- 9) This is the Appellant's first (1st) violation of the SNAP work requirement. (Exhibits D-2 through D-4)

APPLICABLE POLICY

The Code of Federal Regulations, 7 CFR § 273.7, provides, in part:

(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.

(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.

(b) Exemptions from work requirements

(1) The following persons are exempt from SNAP work requirements:

(ii) A person physically or mentally unfit for employment. 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.

(iii) A person subject to and complying with any work requirement under title IV of the Social Security Act. If the exemption claimed is questionable, the State agency is responsible for verifying the exemption.

(c) State agency responsibilities

(1) State agency responsibilities

(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 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) Failure to comply

(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 (WVIMM) §§ 3.2.1.D.4 Exemptions From ABAWD Time Limits and ABAWD Work Requirements provides, in part:

An individual is exempt if he:

- Receives SNAP benefits in a SNAP AG that contains an individual under the age of 18, even if the household member who is under 18 is not eligible for SNAP himself;
- Is responsible for the care of an incapacitated person, whether or not the person receiving the care resides with the client, and whether or not the incapacitated person is a member of the AG. The incapacity of the person must be verified through a written statement from a doctor, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, or a licensed or certified psychologist. Caring for an incapacitated person must prevent the client from being able to complete a work activity. If questionable, written verification is required.
- Is receiving Unemployment Compensation Insurance (UCI). An individual who has applied for but is not yet receiving unemployment compensation is also exempt if he is complying with the unemployment application process, including those applying out of state. This includes persons receiving benefits under the Trade Readjustment Allowance (TRA);
- Is certified as physically or mentally unfit for employment according to the provisions in Section 13.15;
- Is a veteran of any United States military branch, regardless of discharge status. This includes individuals who served through the Army, Navy, Marine Corp, Air Force, Space Force, Coast Guard, National Guard, including those who served in a reserve

component of the Armed Forces.

- Is pregnant, regardless of the expected date of delivery. The pregnancy must be verified;
- Is a regular participant in a drug addiction or alcoholic treatment and rehabilitation program when the participation in this program would prevent the individual from meeting the work requirement or participating in an employment/training program the required number of hours. When exempting ABAWDs due to participating in a drug addiction or alcoholic treatment and rehabilitation program, the Worker must verify the number of hours the client must commit to the program to determine if the individual is exempt;
- Is a student enrolled at least half-time in any recognized school, training program, or institution of higher education. Students enrolled at least half-time in an institution of higher education must still meet the student eligibility requirements found above to be eligible for SNAP;
- Is hired for work at least 30 hours per week;
- Is hired for work paying the equivalent of at least 30 hours times the federal minimum wage per week; or
- Is aged 24 years or younger and was in foster care on their 18th birthday. The former foster individual must have aged out of custody at the maximum allowable age. This could be older than 18 in other states. The former foster individual can receive this exemption until they turn 25 years old.
- Is meeting the definition of a homeless individual.
- Is the recipient of a discretionary exemption through the Division of Family Assistance (DFA).

These exemptions qualify the individual to participate immediately, if otherwise eligible. These exemptions are only applicable to the ABAWD time limit and ABAWD work requirement and do not automatically exempt the individual from the SNAP work requirements in Chapter 14.

WVIMM § 9.6 Consolidated Work Notice (CWN) SNAP Work Requirements provides, in part:

The Consolidated Work Notice (CWN) is the SNAP work requirement notification for the state of West Virginia. The CWN explains the requirements for SNAP members who must comply with either/both the SNAP Basic Work Rules or the Able-Bodied Adults without Dependents (ABAWD) Time Limit Rules. In addition, the CWN provides the AG with their right to a fair hearing, information on non-discrimination and how to contact the state ADA Coordinator if additional assistance is needed.

Individuals who are working enough hours or those who are exempt are not required to comply with work requirements. These individuals are not documented on the CWN. Demographic information entered into the eligibility system determines who must comply with work requirements.

The following information is detailed on the CWN:

SNAP Basic Work Rules

- An explanation of the different SNAP work requirements
- What qualifies as an exempt individual
- When and how each individual must register with job service through Workforce WV
- What happens if the work requirement is not followed
- What to do if the individual has a good cause situation
- Penalty periods for not complying with work requirements

ABAWD Time Limit Rules

- Why an individual is considered ABAWD
- How to meet the ABAWD work requirement
- Reporting when the individual is no longer meeting the requirement
- Who is exempt from ABAWD
- Penalty after receiving 3 months without meeting the requirement
- What to do if the individual has a good cause situation

The CWN is sent to the SNAP AG after application certification, redetermination, when an individual who was previously exempt is now subject to either work requirement, or when a new individual is added to the SNAP AG and must comply with either work requirement. The CWN is available through the eligibility system and the PATH public portal.

WVIMM § 14.2 General SNAP Work Requirements and Exemptions provides, in part:

All SNAP clients are subject to a work requirement unless exempt.

WVIMM § 14.2.1.B Registration Requirements provides, in part:

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. If enrolled in an institution of higher education, the student must meet one of the exceptions to the restriction on student participation listed in Section 3.2. This exemption continues through normal periods of vacation, unless the person does not intend to register for the next term, excluding summer terms.
- 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. The person receiving the care is not required to reside with the AG or be a member of

the SNAP AG. Unborn children are not considered children under the age of six. Separate families included in the same AG may have one person from each family exempted. Separate families, not in the same AG, but living together, may also have one person from each family exempted.

- 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. See Section 13.15.
- Regular participants in a drug addiction or alcoholic treatment and rehabilitation program, either on a resident or non-resident basis. Regular participation is defined by the drug addiction or alcoholic treatment and rehabilitation program.
- 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. When the client is employed or self-employed for at least 30 hours per week, no consideration is given to the amount earned.
- 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. These individuals would be required to meet the SNAP work requirements if they did not receive WV WORKS.

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.

WVIMM § 14.3.1.A Registration Requirements provides, in part:

All individuals must register for employment with WorkForce West Virginia, within 30 days of the date of the original approval, unless exempt according to Section 14.2. Clients must register every 12 months thereafter, regardless of the length of time that WorkForce West Virginia considers the registration valid.

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.

The client may register by visiting a WorkForce West Virginia office, or by registering online. The Worker must explain these requirements to the client and enter the registration date in the eligibility system.

A client who fails to comply by the due date established on the notice to register is subject to a SNAP penalty and the worker must send an adverse action notice. The penalty is not imposed, and any lost benefits are restored if, before the end of the month in which adverse notice expires, the following occurs: the client registers with WorkForce, the individual notifies the DHHR that he or she has registered. If the worker discovers the registration before the penalty goes into effect that the client has registered before the end of the month which the adverse action expires, the penalty may be lifted, and benefits restored.

WVIMM § 14.3.1.B WorkForce WV provides, in part:

During the application and redetermination process, the eligibility system will present a registration date obtained from WorkForce WV. If the client is not registered, no date will be returned. During the certification period, the worker may request the registration date through the eligibility system. When the client is due to re-register, he must show activity to fulfill this requirement. The date of the re-registration is the date of the last action with WorkForce WV or the due date of the re-registration, whichever is later.

WVIMM § 14.5 SNAP Work Requirement Penalties provides, in part:

A SNAP penalty is imposed when clients do not comply with a work requirement and do not have good cause. 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 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.

WVIMM § 14.5.1.B Non-Voluntary Quit Penalties provides, in part:

An individual who refuses or fails to register with WorkForce WV is subject to the following penalties for the full penalty period or until he or she reports a change which makes him or her exempt from the work requirements. For a first violation, the individual is removed from the SNAP AG for at least three (3) months or until he meets an exemption, whichever is later.

DISCUSSION

By notice of decision dated September 30, 2024, the Respondent notified the Appellant that she was required to register with WorkForce WV or meet an exemption by October 27, 2024, in order to comply with SNAP policy. On November 13, 2024, when the Appellant failed to register with WorkForce WV or meet an exemption, the Respondent issued two additional notices of decision. The notices informed the Appellant that due to her failure to register with WorkForce or meet an exemption, a work requirement penalty had been applied and the Appellant's SNAP benefits would terminate effective December 01, 2024. The notice further advised that she would remain ineligible for SNAP benefits for a period of three (3) months, or until she complied with the registration requirement or met an exemption, whichever was longer. The Respondent bears the burden of proof to establish that the action taken against the Appellant was in accordance with policy. The Respondent had to prove by a preponderance of evidence that the Appellant's SNAP benefits were correctly terminated, and a three (3) month SNAP work requirement penalty applied based on the Appellant's non-compliance with the WorkForce WV registration requirement.

The Respondent testified that due to a change in policy, individuals up to age 54 must now abide by the Able-Bodied Adults Without Dependents (ABAWD) policy. Additionally, because the Appellant does not earn \$217.50 or more per week, and because she is not working at least 30 hours per week, SNAP policy requires her to be registered with WorkForce WV. The Respondent further testified that while the Appellant did register for WorkForce WV on November 25, 2024, prior to the imposition of the sanction, she failed to notify the Department of her registration. Because of this, on December 01, 2024, the Appellant's SNAP benefits were terminated, and a three (3) month sanction was imposed. The Respondent further testified that case notes and Departmental phone records were examined in order to determine if the Appellant attempted to report her WorkForce registration; however, there were no calls received from the Appellant until December 02, 2024, after the implementation of the three (3) month sanction.

The Appellant then provided conflicting and unconvincing testimony regarding her hours worked, wages earned, and WorkForce registration. At first, she testified that she disregarded the September and October 2024 SNAP Work Rules notices, arguing that she is exempt from the WorkForce registration policy since she works 19 hours a week through her employer, and an additional 10 hours each week assisting her mother with household duties. The Appellant then argued that she did register with WorkForce WV and called the Respondent on numerous occasions to report it, however there were no case comments or phone records verifying this policy requirement was met. She further testified that because she received an hourly raise through her employer, she now earns more than \$217.50 per week, further exempting her from the SNAP WorkForce registration policy. However, in reviewing the submitted paystubs, they did not corroborate the Appellant's testimony. While the Appellant may now earn more than the policy minimum of \$217.50 per week, this Hearing Officer's decision must be based on the facts as they existed at the time of the Department's action.

Pursuant to policy, a potential exemption may be met if a client is responsible for the care of an incapacitated person which prevents the client from being able to complete a work activity - whether or not the person receiving the care resides with the client, and whether or not the incapacitated person is a member of the AG. The policy requires the incapacity of the person be verified through a written statement from a designated representative of the incapacitated person's physician's office, or a licensed or certified psychologist. Because the statement submitted by the

Appellant was written by her mother, the additional hours were not considered by this Hearing Officer. It should be noted that even if the additional 10 hours were included, the Appellant would still fail to meet the 30 hour per week SNAP Work Rules requirement.

Because the evidence and testimony failed to show that the Appellant met an exemption, she was required to register with WorkForce WV by visiting a WorkForce office, registering online, or over the phone, yearly, as a condition of eligibility to receive SNAP benefits. Policy clearly allows WorkForce registration after the established due date but before the beginning of the penalty period, if it is reported to the Respondent. The evidence demonstrates that the Appellant complied with policy by registering with WorkForce WV prior to the implementation of the three (3) month sanction; however, she failed to contact the Respondent to report it. Because the Appellant failed to register with WorkForce WV for SNAP purposes prior to due date listed on the WorkForce Registration Notice and report it, the preponderance of evidence established that the Respondent acted in accordance with the policy when terminating the Appellant's SNAP benefits. Because this is the Appellant's first SNAP work requirement penalty, she will remain ineligible for SNAP benefits for a period of three (3) months or until she complies with the SNAP work requirement policy (or meets an exemption), whichever is longer.

CONCLUSIONS OF LAW

- 1) Pursuant to policy, an individual must also register with WorkForce WV yearly, as a condition of eligibility to receive SNAP benefits, unless an exemption is met.
- 2) Because the Appellant failed to comply with the SNAP work requirement or meet an exemption, and report it to the Respondent by the October 27, 2024 deadline, a work requirement penalty must be applied to the Appellant's SNAP benefits.
- 3) Because this is the Appellant's first violation of the SNAP work requirement policy, she must be excluded from participation in SNAP for a period of three (3) months, or until she complies with the SNAP work requirement or meets an exemption, whichever is longer.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to impose a SNAP work requirement penalty for a period of three (3) months, effective December 01, 2024.

ENTERED this _____ day of December 2024.

Angela D. Signore
State Hearing Officer