



January 29, 2025

[REDACTED]

RE: [REDACTED] v. DoHS/BFA
ACTION NO.: 25-BOR-1063

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,

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

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

cc: Katherine Hartwell, [REDACTED] DoHS

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

██████████,

Appellant,

v.

Action Number: 25-BOR-1063

**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 January 28, 2025.

The matter before the Hearing Officer arises from the November 8, 2024, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Katherine Hartwell, ██████████ DoHS. The Appellant appeared *pro se*. 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 applied for SNAP benefits in August 2024.
- 2) The Appellant provided a statement advising that the Appellant cooked, cleaned, and provided care for her mother 30 hours a week.
- 3) The Appellant was exempt from Able-Bodied Adult Without a Dependent (ABAWD) work requirements based on the care of her mother.
- 4) On October 7, 2024, the Respondent mailed the Consolidated Work Notice (CWN) to the Appellant advising that she was required to register with WorkForce WV by November 6, 2024, to continue receiving SNAP benefits.
- 5) The Respondent imposed a work registration penalty against the Appellant on November 7, 2024, when it was determined that she had not registered with WorkForce WV.
- 6) The Respondent issued a notice to the Appellant advising that her SNAP benefits would be terminated effective November 30, 2024, due to the imposition of the work registration penalty.
- 7) The Appellant contacted the Respondent after receiving the termination notice and reported that she had submitted a statement previously exempting her from work requirements.
- 8) The Respondent advised the Appellant that the ABAWD exemption she provided does not qualify for a work registration exemption.
- 9) The Appellant's SNAP benefits were terminated November 30, 2024.
- 10) The Appellant submitted a statement from her mother's physician to the Respondent on December 17, 2024, indicating that the Appellant provides care to her mother due to health issues.
- 11) The Appellant has one previous work registration penalty.

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) Failure to comply —

(1) **Ineligibility for failure to comply.** A nonexempt individual who refuses or fails without good cause, as defined in [paragraphs \(i\)\(2\), \(3\), and \(4\)](#) of this section, to comply with SNAP work requirements listed under [paragraph \(a\)\(1\)](#) of this section is ineligible to participate in SNAP, and will be considered an ineligible household member, pursuant to [§273.1\(b\)\(7\)](#).

(i) As soon as the State agency learns of the individual's noncompliance it must determine whether good cause for the noncompliance exists, as discussed in [paragraph \(i\)](#) of this section. Within 10 days of establishing that the noncompliance was without good cause, the State agency must provide the individual with a notice of adverse action, as specified in [§273.13](#). If the State agency offers a conciliation process as part of its E&T program, it must issue the notice of adverse action no later than the end of the conciliation period.

(ii) The notice of adverse action must contain the particular act of noncompliance committed and the proposed period of disqualification. The notice must also specify that the individual may, if appropriate, reapply at the end of the disqualification period. Information must be included on or with the notice describing the action that can be taken to avoid the disqualification before the disqualification period begins. The disqualification period must begin with the first month following the expiration of the 10-day adverse notice period, unless a fair hearing is requested.

(iii) An E&T disqualification may be imposed after the end of a certification period. Thus, a notice of adverse action must be sent whenever the State agency becomes aware of an individual's noncompliance with SNAP work requirements, even if the disqualification begins after the certification period expires and the household has not been recertified.

(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:

14.2.1.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. 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.
- 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

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. 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. See Section 14.5. The penalty is not imposed, and any lost benefits are restored if, before the end of the month in which the adverse notice expires, the following occurs:

- The client registers; and
- The client notifies the Department of Human Services (DOHS) that he has registered. If the Worker independently discovers before the penalty goes into effect that the client has registered before the end of the month in which the adverse notice expires, the penalty may be lifted, and benefits restored. There is no requirement on the Department, however, to attempt to independently verify if the client has registered after the date the penalty is entered into the 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.

14.5.1.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. The Respondent terminated the Appellant's SNAP benefits when it was determined that she failed to register with WorkForce WV, or meet an exemption, by the deadline established by the Respondent.

The Appellant provided the Respondent with a statement documenting that she assisted her mother 30 hours a week. The Respondent accepted this statement and exempted the Appellant from complying with ABAWD work requirements. In October 2024, the Respondent sent a notice to

the Appellant advising that she was required to register with WorkForce WV. When the Appellant questioned if she was required to register with WorkForce, the Respondent advised her that the statement exempting her from ABAWD work requirements could not be accepted to exempt her for work registration requirements.

The Appellant testified that she did not receive the Combined Work Notice and contacted the Respondent when she received notice of the SNAP closure. The Appellant contended that she attempted to register with WorkForce WV online but was unable to navigate the system and complete registration. The Appellant provided a statement from her mother's physician indicating that she cares for her mother due to health issues on December 17, 2024. The Appellant stated her mother's physician would not complete the form until he evaluated her, which occurred on December 17.

Policy stipulates that an individual who has the responsibility for the care of an incapacitated or disabled individual is exempt from work registration requirements. The physician's statement documenting the Appellant's care for her mother, who experiences health issues, is sufficient to exempt her from work registration requirements. However, the Appellant failed to provide verification of the exemption until after the effective date of the SNAP penalty, therefore, the Respondent's decision to terminate SNAP benefits effective November 30, 2024, is affirmed.

An individual who refuses or fails to register with Workforce WV is subject to a penalty for the full penalty period or until he reports a change which makes him exempt from the work requirements. The Appellant reported a change that exempted her from work registration requirements and is therefore eligible to receive SNAP effective January 1, 2025.

Whereas the Appellant failed to provide verification that she met an exemption from work registration requirements in caring for her incapacitated/disabled mother prior to the effective date of the SNAP penalty, the Respondent's decision to terminate the Appellant's SNAP benefits effective November 30, 2024.

CONCLUSIONS OF LAW

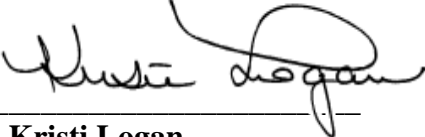
- 1) Pursuant to policy and federal regulations, an individual must register with Workforce WV within 30 days of the date of initial SNAP approval and every 12 months thereafter as a condition of eligibility to receive SNAP benefits, unless exempt.
- 2) The Appellant was required to register with WorkForce WV by November 6, 2024.
- 3) The Respondent terminated the Appellant's SNAP benefits effective November 30, 2024, when she failed to register with WorkForce WV or meet an exemption.
- 4) The Appellant is ineligible for SNAP benefits for December 2024 due to the imposition of the SNAP penalty.
- 5) The Appellant provided a statement from her mother's physician on December 17, 2024, documenting her care of her mother due to health issues.

- 6) The Appellant now meets exemption from work registration requirements and is eligible for SNAP effective January 1, 2025.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program benefits due to the imposition of a work registration penalty. The Appellant now meets an exemption, and the matter is **remanded** to the Respondent for reinstatement of Supplemental Nutrition Assistance Program benefits effective January 1, 2025.

ENTERED this 29th day of January 2025.

A handwritten signature in black ink, appearing to read "Kristi Logan", written over a horizontal line.

Kristi Logan
Certified State Hearing Officer