



January 2, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS BFA
ACTION NO.: 24-BOR-3830

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-Pruitt, WV DoHS, [REDACTED]

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

██████████,

Appellant,

v.

Action Number: 24-BOR-3830

**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 9, 2024.

The matter before the Hearing Officer arises from the September 10, 2024 determination by the Respondent to apply a six (6) month work requirement sanction, thereby terminating the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Carla Addair-Pruitt, 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) Notice of SNAP Work Requirement Penalty, dated September 10, 2024
- D-2 WV DoHS SNAP Termination Notice, dated September 10, 2024
- D-3 WV People's Access to Help (PATH) eligibility system printout of SNAP Work Requirement Penalty Request
- D-4 WV PATH eligibility system printout of Case Comments
- D-5 WV PATH eligibility system printout of Case Comments

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-5)
- 2) On September 10, 2024, the Respondent issued two (2) notices informing the Appellant that effective October 01, 2024, her SNAP benefits would be terminated, and a second 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 six (6) months or until she complied with the SNAP WorkForce registration requirement, whichever was longer. (Exhibits D-1 and D-2)
- 3) The Appellant's SNAP benefits were terminated, and a six (6) month work requirement penalty was applied due to the Appellant's failure to register with WorkForce or meet an exemption.
- 4) The Respondent failed to issue notice advising the Appellant of her need to register with WorkForce WV, or meet an exemption, within thirty (30) days of application/review and notify the Respondent of her registration by a certain date.
- 5) The September 10, 2024, notice of decision lists the Appellant's SNAP sanction as penalty number two (2).

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 § 14.3.1.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 second violation, the individual is removed from the SNAP AG for at least six (6) months or until he meets an exemption, whichever is later.

DISCUSSION

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 six (6) month SNAP work requirement penalty applied based on the Appellant's non-compliance with the WorkForce WV registration requirement. By notice of decision(s) dated September 10, 2024, the Respondent informed the Appellant that because she failed to register with WorkForce WV or meet an exemption, a work requirement penalty had been applied and the Appellant's SNAP benefits would terminate effective October 01, 2024. The notice further advised that she would remain ineligible for SNAP benefits for a period of six (6) months, or until she complied with the registration requirement or met an exemption, whichever was longer.

The Respondent testified that because the Appellant had not registered and notified the Department prior to the implementation of sanction number two (2), the Appellant's SNAP benefits were terminated, and a six (6) month Work Requirement penalty was imposed. The Appellant denied receiving notice of her need to register with WorkForce and speculated that because she is sharing a Post Office Box (P.O. Box) with a family member, as possible reason for not receiving them. However, it should be noted that no evidence was entered by the Respondent to verify the Appellant was issued proper notice of the SNAP WorkForce Registration requirement and her need to register or meet an exemption by a certain date. Historical case comments were provided by the Respondent; however, they provided no relevancy to the disputed issue.

Pursuant to policy, the Respondent is required to issue a Consolidated Work Notice (CWN) notifying the Appellant that she is required to register with WorkForce WV or meet an exemption prior to a certain date. The CWN must contain details specifying the due date of registration and how to register. No evidence was submitted to verify that the Respondent had issued the CWN to the Appellant following the date of application and/or review. Without issuance of a CWN that establishes a due date for registration, the Appellant's failure to comply with WorkForce WV registration cannot be established. Because the Respondent failed to issue proper notice to the Appellant regarding her WorkForce WV registration requirement, the Respondent incorrectly imposed a second, six (6) month SNAP ineligibility penalty, thereby terminating the Appellant's SNAP benefits.

CONCLUSIONS OF LAW

- 1) When a client is required to register with WorkForce WV, the Respondent must issue a CWN that contains details specifying the due date of registration and how to register.
- 2) The preponderance of evidence failed to establish the Respondent issued proper notice to the Appellant specifying her need to register, or meet an exemption, by a certain date for WorkForce WV registration purposes.
- 3) Because the Respondent failed to provide the Appellant with proper notice of her WorkForce WV registration requirement, the Appellant was unaware of her need to register with WorkForce WV or meet an exemption.

- 4) The Respondent acted incorrectly when applying a six (6) month WorkForce WV registration requirement penalty, thereby terminating the Appellant's SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's decision to terminate the Appellant's SNAP benefits. The matter is **REMANDED** for removal of the SNAP ineligibility penalty period and restoration of any lost SNAP benefits. It is further the decision of the State Hearing Officer to **REMAND** the case to the Respondent for issuance of a Consolidated Work Notice outlining the requirements for SNAP members who must comply with either/both the SNAP Basic Work Rules and/or the Able-Bodied Adults without Dependents (ABAWD) Time Limit Rules.

ENTERED this _____ day of January 2025.

Angela D. Signore
State Hearing Officer