



January 21, 2025

[REDACTED]

RE: [REDACTED] v. DoHS/BFA  
ACTION NO.: 24-BOR-3893

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: Benedict Sokol, [REDACTED] DoHS

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

████████████████████,

**Appellant,**

v.

**Action Number: 24-BOR-3893**

**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 21, 2025.

The matter before the Hearing Officer arises from the December 3, 2024, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Benedict Sokol, ██████████ DoHS. The Appellant appeared *pro se*. The witnesses were placed under oath and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Combined Work Notice (CWN1) dated November 26, 2024
- D-2 Notice of SNAP Penalty dated December 3, 2024
- D-3 Notice of SNAP Termination dated December 3, 2024
- D-4 Case Comments from October 24 through December 17, 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 applied for SNAP benefits for a one-person assistance group on October 23, 2024 (Exhibit D-4).
- 2) A Respondent caseworker conducted a telephone interview with the Appellant on October 24, 2024, in which Able-Bodied Adult Without a Dependent work requirements and work registration requirements were discussed (Exhibit D-4).
- 3) On November 26, 2024, the Respondent mailed the Consolidated Work Notice to the Appellant advising that she was required to register with WorkForce WV by November 27, 2024, to continue receiving SNAP benefits (Exhibit D-1).
- 3) On December 2, 2024, the Respondent imposed a work registration penalty against the Appellant when it was determined that she had not registered with WorkForce WV (Exhibit D-2).
- 4) The Appellant's SNAP benefits were terminated effective December 31, 2024, due to the imposition of the work registration penalty (Exhibit D-3).
- 5) The Appellant has no previous work registration penalties.

### **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 9 explains notification requirements:

### **9.6 Consolidated Work Notice-SNAP Work Requirements**

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.

West Virginia Income Maintenance Manual Chapter 14 explains SNAP work requirements:

#### **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.

The Worker must enter the appropriate information in the eligibility system at any point during the certification period when the client is due to register with WorkForce West Virginia. The eligibility system uses this information to send the client the notice to register 30 days prior to the due date. ***When the Worker discovers the client was not notified that he must re-register during the certification period and is not currently exempt, the Worker must follow the same steps as noted above to establish a new registration due date and to ensure the client is notified 30 days prior to the new registration due date.*** The Worker must not delay completion of a redetermination due to WorkForce West Virginia registration requirements. If the applicant is currently in a SNAP penalty for failure to register and has completed his minimum penalty time, he must register prior to benefit approval. A second notice to register is not required. If he continues to refuse or fails to register, his penalty continues. See Section 14.5.

Prior to approval, an individual who verbally refuses to register with WorkForce West Virginia is ineligible until he registers or meets an exemption to the work requirements. When an individual is added to the SNAP AG, or becomes subject to the SNAP work requirements due to the reported loss of an exemption, he is required to register with WorkForce West Virginia within 30 days of the date a notice to register is issued to the client, unless he has already registered for SNAP purposes within the past 12 months.

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 by the deadline established by the Respondent.

The Consolidated Work Notice (CWN1) is sent to SNAP applicants and recipients when an individual is required to register with WorkForce WV. The CWN1 explains who must comply with work registration requirements, what qualifies as an exemption, the penalty for failing to comply with work registration requirements and when and how each individual must register with WorkForce WV. If an individual was not notified that he must re-register during the certification period and is not currently exempt, the Worker must establish a new registration due date and ensure the client is notified 30 days prior to the new registration due date.

The Respondent sent the CWN1 to the Appellant on November 26, 2024, advising that she was required to register with WorkForce WV by November 27, 2024, to continue receiving SNAP benefits (Exhibit D-1). The Respondent imposed a work registration penalty against the Appellant on December 2, 2024, resulting in the termination of her SNAP benefits effective December 31, 2024. The Respondent failed to provide proper notice of the due date of the work registration.

Whereas the Appellant was not given 30 days' notice of the requirement to register with WorkForce WV, the Respondent incorrectly imposed a penalty against her benefits. The Respondent's decision to terminate the Appellant's SNAP benefits cannot be affirmed.

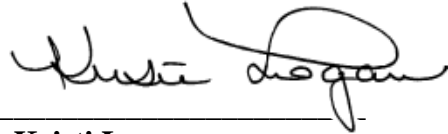
### **CONCLUSIONS OF LAW**

- 1) The Consolidated Work Notice is issued to SNAP recipients advising of the requirement to register with WorkForce and the due date of registration.
- 2) Policy requires that the Consolidated Work Notice be issued at least 30 days prior to the due date of the work registration.
- 3) The Appellant was issued a Consolidated Work Notice on November 26, 2024, with a registration due date of November 27, 2024.
- 4) The Respondent imposed a work registration penalty against the Appellant on December 2, 2024, six days after the Consolidated Work Notice was mailed.
- 5) The Respondent failed to provide the Appellant 30 days to register with WorkForce WV.

**DECISION**

It is the decision of the State Hearing Officer to **reverse** the decision of the Respondent to impose a work registration penalty and **reverse** the decision to terminate the Appellant's Supplemental Nutrition Assistance Program benefits. The matter is **remanded** for proper issuance of the Combined Work Notice to the Appellant, allowing 30 days' notice of the due date of the WorkForce WV registration.

**ENTERED this 21<sup>st</sup> 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**