



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
P.O. Box 468  
Hamlin, WV 25523

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

August 11, 2009

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Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held July 23, 2009. Your hearing request was based on the Department of Health and Human Resources' action to reduce your monthly SNAP coupon allotment.

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 Health and Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

Eligibility for the SNAP Program is based on current policy and regulations. Some of these regulations state that changes are effective the month following the month they are reported. The only exception to this is when the Department had the information prior to the month it was reported and failed to take action timely. (West Virginia Income Maintenance Manual Section 2.2.C)

The information which was submitted at your hearing revealed that your son moved into your household on June 2, 2009, and that you reported this information the same day it occurred. The Department correctly added your son to your SNAP benefits effective July 1, 2009.

It is the decision of the State Hearing Officer to **uphold** the action of the Department to increase your SNAP benefits effective July 1, 2009, based on an increase in assistance group composition which occurred on June 2, 2009.

Sincerely,

Cheryl Henson  
State Hearing Officer  
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review  
-----, CSRC

**WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES  
BOARD OF REVIEW**

-----,

**Claimant,**

**v.**

**Action Number: 09-BOR-1333**

**West Virginia Department of  
Health and Human Resources,**

**Respondent.**

**DECISION OF STATE HEARING OFFICER**

**I. INTRODUCTION:**

This is a report of the State Hearing Officer resulting from a fair hearing concluded on July 23, 2009 for ----- . This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened on July 23, 2009 on a timely appeal, filed June 3, 2009.

**II. PROGRAM PURPOSE:**

The purpose of the Supplemental Nutrition Assistance Program (SNAP) is to provide an effective means of utilizing the nation's abundance of food "to safeguard the health and well being of the nation's population and raise levels of nutrition among low income households." This is accomplished through the issuance of benefits to households who meet the eligibility criteria established by the Food and Nutrition Service of the United States Department of Agriculture.

**III. PARTICIPANTS:**

-----, Claimant

-----, Claimant's son

-----, Claimant's fiancé

-----, Customer Service Reporting Center, Department Representative

-----, Customer Service Reporting Center, Observing

Steve Baisden, State Hearing Officer, Observing

Presiding at the hearing was Cheryl Henson, State Hearing Officer and a member of the State Board of Review.

It should be noted that the Department participated by telephone utilizing the LEADERPHONE system.

#### **IV. QUESTIONS TO BE DECIDED:**

The question(s) to be decided is whether the Department is correct in the decision to increase the Claimant's SNAP benefits effective July 1, 2009 rather than June 2, 2009.

#### **V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual Section 2.2.C

#### **VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:**

##### **Department's Exhibits:**

- D-1 Department's Summary dated July 14, 2009
- D-2 WV Income Maintenance Manual Section 2.2.4
- D-3 Case Comments from Rapids from May and June 2009
- D-4 Notification letter dated June 4, 2009

##### **Claimant's Exhibits:**

None

#### **VII. FINDINGS OF FACT:**

- 1) The Claimant called the Department on May 29, 2009 (D-3) to report that her son planned to move into her home on June 2, 2009, after being released from a youth center in the state on that same day. The Department instructed the Claimant that they cannot make a change to her case until the change actually occurs, and instructed her to call back when he moved into the home so the change could be made.
- 2) The Claimant called the Department on June 2, 2009 and reported that her son moved into her home that day. The Department took action to add him to the SNAP benefits and sent the Claimant a notification letter (D-4) that included the following pertinent information:

ACTION: Your SNAP benefits will increase from \$261.00 to \$430.00 effective 07/01/09.

REASON: The number of people receiving this benefit has increased. Medical expenses have increased.

The following is the list of individuals who are eligible for this benefit. If an individual has been added to the Assistance Group, their name will appear here. If they are affected by the ABAWS 36 month tracking policy, the tracking period will be stated after their name.

----- FROM 12/2008 TO 11/2011

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----- FROM 07/2008 TO 06/2011

- 3) The Department contends that policy does not allow them to add an individual to a SNAP assistance group until the individual physically moves into the household, and that policy requires that the change become effective the month following the month it occurs.
- 4) The Claimant contends that the Department knew her son would be moving into the home on May 29, 2009 and should have added him to the SNAP case effective June 2009. She adds that the Department's action caused a hardship to her family for the month of June 2009 because she did not have enough food for the added household member.
- 5) WV Income Maintenance Manual Section 2.2.C states in pertinent part:

#### Agency Time Limits

The first month that a reported change is effective is the month following the month the change is reported. The only exception to this is when the Department had the information prior to the month it was reported and failed to act on the information in a timely manner.

### **VIII. CONCLUSIONS OF LAW:**

- 1) Policy is clear in that when a change is reported the Department is required to take action and timely incorporate the change the following month.
- 2) The evidence clearly shows that the Claimant's son did not move into her household until June 2, 2009; therefore, the earliest she could have reported the change was June 2, 2009. Policy requires the Department to implement the change the following month which was July 2009. The Department is not required to anticipate the change based on the Claimant's earlier statements that her son will be moving into her household.
- 3) The Department correctly added the Claimant's son to her SNAP benefits effective July 1, 2009 based on his entry into the household on June 2, 2009.

**IX. DECISION:**

It is the finding of the State Hearing Officer that the Department is **upheld** in their decision to add the Claimant's son to her SNAP benefits effective July 1, 2009.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 11<sup>th</sup> Day of August, 2009**

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**Cheryl Henson  
State Hearing Officer**