



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
2699 Park Avenue, Suite 100
Huntington, WV 25704

Joe Manchin III
Governor

Patsy A. Hardy, FACHE, MSN, MBA
Cabinet Secretary

December 14, 2009

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 29, 2009. Your hearing request was based on the Department of Health and Human Resources' denial of your SNAP application due to unverified information.

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 SNAP is based on current policy and regulations. Some of these regulations state that additional information is due 30 days from the date a verification checklist is issued (West Virginia Income Maintenance Manual, Chapter 1.4.H), and that the primary responsibility for providing verification rests with the client (West Virginia Income Maintenance Manual, Chapter 4.1.A).

The information submitted at your hearing revealed that requested verifications were not submitted to the Department within 30 days of request, and your application for SNAP was denied.

It is the decision of the State Hearing Officer to **uphold** the action of the Department to deny your SNAP application.

Sincerely,

Todd Thornton
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Susan Cook, Department Representative

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

-----,

Claimant,

v.

Action Number: 09-BOR-1823

**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 December 14, 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 October 29, 2009 on a timely appeal, filed August 21, 2009.

II. PROGRAM PURPOSE:

The purpose of 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 EBT benefits to households who meet the eligibility criteria established by the Food and Nutrition Service of the U.S. Department of Agriculture.

III. PARTICIPANTS:

-----, Claimant
Susan Cook, Department Representative

All persons offering testimony were placed under oath.

Presiding at the Hearing was Todd Thornton, State Hearing Officer and a member of the State Board of Review.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether or not the Department was correct to deny the Claimant's SNAP application due to unverified information.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual, Chapter 1.4.H; Chapter 4.1.A

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

D-1 Verification checklist dated June 23, 2009

D-2 Notice of denial dated July 30, 2009

D-3 West Virginia Income Maintenance Manual, Chapter 1.4.H; Chapter 4.1.A

VII. FINDINGS OF FACT:

- 1) Susan Cook, representative for the Department, testified that the Claimant applied for the Supplemental Nutrition Assistance Program (SNAP), formerly known as the Food Stamp Program, on June 23, 2009. On the same day, a verification checklist (Exhibit D-1) was issued to the Claimant, identifying information needed to determine eligibility for the program. She testified that this information was not received, and the Department issued a denial notice (Exhibit D-2) to the Claimant on or about July 30, 2009, which provided the reason for denial as follows, in pertinent part:

1. ACTION: Your 06/23/09 application for SNAP has been DENIED.

If you or anyone who lives in your household begins receiving SSI, please contact your local county office so that your eligibility for the Supplemental Nutrition Assistance Program (SNAP) can be reevaluated.

2. REASON:

You did not turn in all requested information.

- 2) The West Virginia Income Maintenance Manual, Chapter 1.4.H (Exhibit D-3), states:

H. DUE DATE OF ADDITIONAL INFORMATION

Additional information is due 30 days from the date of the DFA-6 or verification checklist.

The West Virginia Income Maintenance Manual, Chapter 4.1.A (Exhibit D-3), states:

A. CLIENT RESPONSIBILITY

The primary responsibility for providing verification rests with the client. Failure of the client to provide necessary information or to sign authorizations for release of information, results in denial of the application or closure of the active case, provided the client has access to such information and is physically and mentally able to provide it.

- 3) The Claimant testified that she did not verify the information requested by the Department because she was told on the day of the application interview that her income would exceed the income limit for SNAP, and that she would be denied. The Department representative testified that during the application interview it was determined that the Claimant is a contract employee, and that income for contract employees is prorated and counted over months that income is not actually received. The Department issued the verification checklist, in part, to determine the specifics of the Claimant's contract. The Claimant testified that although she is a contract employee, she was newly hired as a school teacher this year and was not able to opt for payment during the summer months because she had not been hired prior to the start of the calendar year.

VIII. CONCLUSION OF LAW:

- 1) SNAP policy requires that information necessary to determine program eligibility be provided by applicants within a 30 day deadline. The Claimant did not verify this information. Although the Claimant's dispute is with the treatment of income that was not available to her, she failed to provide the information necessary for the Department to take that step; the denial of the Claimant's application was solely due to unverified information. The Department was correct to deny the Claimant's SNAP application due to unverified information.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the action of the Department to deny the Claimant's SNAP application due to unverified information.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this ____ Day of December, 2009.

**Todd Thornton
State Hearing Officer**