



**State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General**

**Joe Manchin III
Governor**

**Board of Review
P.O. Box 1736
Romney, WV 26757**

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

April 30, 2010

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held April 29, 2010. Your hearing request was based on the Department of Health and Human Resources' decision to approve your Supplemental Nutrition Assistance Program (SNAP) benefits from your application date of March 11, 2010 as opposed to your original application date of January 4, 2010.

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 Supplemental Nutrition Assistance Program or SNAP is based on current policy and regulations. These regulations provide that the start date of the application for benefits is that date in which the applicant submits an application form either in person, by fax, other electronic transmission, or by mail. In cases in which the applicant submits an application utilizing the Department's Information Network for Resident Online Access and Delivery of Services or INROADS, the date of application is the date in which the signed signature page is received in the local office.

The information which was submitted at your hearing revealed that while you completed an INROADS application for SNAP benefits on January 4, 2010 you failed to submit a completed signature page.

It is the decision of the State Hearing Officer to Uphold the action of the Department to approve your application for SNAP benefits on March 11, 2010.

Sincerely,

Eric L. Phillips
State Hearing Officer
Member, State Board of Review

cc: Erika Young, Chairman, Board of Review
Ann Hubbard, ESS

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

-----,

Claimant,

v.

Action Number: 10-BOR-1088

**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 April 30, 2010 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 April 29, 2010 on a timely appeal, filed March 11, 2010.

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 U.S. Department of Agriculture.

III. PARTICIPANTS:

-----, Claimant
-----, Claimant's husband
-----, Economic Service Worker (ESW)

Presiding at the Hearing was Eric L. Phillips, State Hearing Officer and a member of the Board of Review.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether or not the Department was correct in approving the Claimant's application for Supplemental Nutrition Assistance Program benefits on March 11, 2010 as opposed to the INROADS application date of January 4, 2010.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual § 1.4

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Hearing Summary
- D-2 West Virginia Information Network for Resident Online Access Delivery of Services (inROADS) computer printout of application search results
- D-3 Computer printout of RAPIDS (benefit issuance system) case comments dated March 11, 2010
- D-4 Notice of Decision dated March 12, 2010
- D-5 West Virginia Income Maintenance Manual § 1.4

Claimants' Exhibits:

- C-1 Notice of Decision dated February 5, 2010

VII. FINDINGS OF FACT:

- 1) On January 4, 2010, the Claimant completed a West Virginia Information Network for Resident Online Access Delivery of Services, hereinafter INROADS, application for Supplemental Nutrition Assistance Program, hereinafter SNAP, benefits. INROADS is a service provided by the Department in which an individual can apply for assistance using the internet.
- 2) -----, Economic Service Worker testified that the Department received the Claimant's INROADS application on January 5, 2010 and discovered that a corresponding signature page was not printed and completed with the application (Exhibit D-2). Without the signature page, the Claimant's SNAP application was considered incomplete and the worker processing the application printed an additional signature page and mailed it to the Claimant to be signed and returned to the local office within a specified timeframe.
- 3) On February 5, 2010, the Claimant was issued notification that her application dated January 5, 2010 was withdrawn (Exhibit C-1). This notification documents in pertinent part:

Your request for assistance dated 1/5/10 has been withdrawn-withdrawn due to no INROADS signature page being received. You may reapply at any time.

- 4) On March 11, 2010, the Claimant completed an “in person” application for SNAP benefits and notified the Department of her INROADS application dated January 4, 2010. The Claimant reported that the requested signature page was returned on February 3, 2010. The Department representative assisting the Claimant with the application researched all mail and drop off logs and did not find evidence that the Claimant had returned the signature page in question and approved the Claimant’s request for benefits on March 11, 2010.
- 5) The Claimant testified that the household’s SNAP assistance was terminated for her failure to complete a recertification for benefits. The Claimant testified that she did not receive any notice that her assistance was due for recertification and she was required to reapply for Departmental services. The Claimant purported that her husband was ill and she was unable to complete an “in person” SNAP application and she submitted the application through INROADS. The Claimant stated that she received notification that she needed to return the completed signature page by February 3, 2010. The Claimant’s husband testified that he returned the completed signature page on the afternoon of February 3, 2010 and personally handed the paperwork to a Department receptionist. The Claimant stated that when she received the notification that her INROADS application had been withdrawn (Exhibit C-1) she left several messages with the Department to inform her caseworker that the signature page was returned February 3, 2010, but received no response from the Department from her inquiries.

- 6) West Virginia Income Maintenance Manual § 1.2 K states:

When the inROADS application is submitted online, a RAPIDS request for assistance (RFA) date is established. The inROADS request for assistance must be selected from INBX and the Client Registration process completed, leaving the filing date (application date) blank. This establishes the RAPIDS RFA date. The applicant has 30 days from that RFA date to submit a signed signature page. RAPIDS tracks this 30 day period. If the signature page is not received in the local office within the 30-day period, RAPIDS automatically withdraws the application. No further action is required by the Worker to process the inROADS application.

- 7) West Virginia Income Maintenance Manual § 1.4 C states:

The date of application is the date the applicant submits a DFA-2, in person, by fax or other electronic transmission or by mail, which contains, at a minimum, his name and address and signature. When the application is submitted by mail or fax, the date of application is the date that the form with the name, address and signature is received in the local office.

NOTE: When a faxed copy of an application is received that contains a minimum of the applicant’s name, address and signature, it is considered an original application and no additional signature is required.

When the application is submitted by inROADS, the date of application is the date the signed signature page is received. These forms must be date-stamped when received.

VIII. CONCLUSIONS OF LAW:

- 1) Policy dictates that an application for SNAP benefits submitted by the INROADS application process is incomplete until the applicant provides a corresponding signature page. Policy requires that the applicant provide the signature page within thirty days after the application is received by the Department. In the event that the signature page is not returned, the application is withdrawn.
- 2) Testimony indicated that the signature page was submitted in the established timeframe, however no evidence was provided to confirm such action and the Claimant's argument is based on her own statements. The Department researched all local mail and drop off logs and found no evidence that the Claimant submitted the required information; therefore the Department followed proper procedure to initiate the Claimant's SNAP benefits on March 11, 2010 as opposed to the INROADS application date of January 4, 2010.

IX. DECISION:

It is the decision of the State Hearing Officer to uphold the action of the Department to approve the Claimant's SNAP application on March 11, 2010.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this _____ day of April 2010.

Eric L. Phillips
State Hearing Officer