



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1400 Virginia Street
Oak Hill, WV 25901

Earl Ray Tomblin
Governor

Rocco S. Fucillo
Cabinet Secretary

August 31, 2012

Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held August 30, 2012. Your hearing request was based on the Department of Health and Human Resources' failure to add your step-daughter to your Supplemental Nutrition Assistance Program (SNAP) assistance group until August 2012.

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. These regulations provide that reported changes, specifically the addition of an assistance group member, take effect the month after the month the change is reported (WV Income Maintenance Manual § 2.2 B).

The information submitted at your hearing revealed that your step-daughter was incorrectly excluded from your SNAP benefits for July 2012.

It is the decision of the State Hearing Officer to **reverse** the action of the Department to add your step-daughter to your SNAP assistance group in effective August 2012.

Sincerely,

Kristi Logan
State Hearing Officer
Member, State Board of Review

cc: Chairman, Board of Review
Dorothy Ellison-Hunter, Family Support Supervisor

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

IN RE: -----,

Claimant,

v.

ACTION NO.: 12-BOR-1652

**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 for ----- held on August 30, 2012, by videoconference. This hearing was held in accordance with the provisions found in the West Virginia Department of Health and Human Resources' Common Chapters Manual, Chapter 700. This fair hearing was convened on a timely appeal, filed June 18, 2012.

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
-----, Witness for Claimant

Leslie Bonds, Economic Service Worker

Presiding at the hearing was Kristi Logan, 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 its decision to add Claimant's step-daughter to her SNAP assistance group effective August 2012.

V. APPLICABLE POLICY:

WV Income Maintenance Manual § 2.2 B and 2.2 C

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Hearing/Grievance Request Notification
- D-2 WV Health Care Coverage for Kids and Expectant Moms Application received June 5, 2012
- D-3 WV Income Maintenance Manual § 1.9 O
- D-4 WV Income Maintenance Manual § 6.1
- D-5 WV Income Maintenance Manual § 2.2 C(2)
- D-6 June 2012 RAPIDS and eRAPIDS Schedule
- D-7 WV Income Maintenance Manual § 2.2 B
- D-8 WV Income Maintenance Manual § 9.1 A(1)
- D-9 Department's Summary

Claimants' Exhibits:

- C-1 Claimant's Summary
- C-2 WV Income Maintenance Manual § 2.2 B and C

VII. FINDINGS OF FACT:

- 1) Claimant applied for Qualified Child Medicaid for her step-daughter, -----, on June 5, 2012 (D-2). The application was processed and approved on June 18, 2012. ----- previously had been a recipient in her mother's SNAP assistance group, and was not added to Claimant's SNAP assistance group until August 2012.
- 2) Leslie Bonds, Economic Service Worker, testified that the adverse action deadline for the month of June occurred on June 15, 2012 (D-6). Because the Medicaid application was not processed until June 18, 2012, after the deadline, ----- received SNAP benefits in her mother's case for July. Ms. Bonds added that -----'s mother did not report ----- leaving her household, and the Department became aware of the change in assistance group from the Medicaid application. Ms. Bonds stated the Department was required to process the Medicaid application within thirteen (13) days of its receipt, and the Department adhered to that policy requirement (D-3).

The Department contends Claimant was not eligible to receive SNAP benefits for her step-daughter until August 2012, as she included in another assistance group for July 2012.

- 3) Claimant testified she reported her step-daughter as residing in her home on June 5, 2012, when she applied on her behalf for Medicaid. Claimant contends that had the Department complied with policy by processing the application within 13 days, the

application should have been processed on June 15, 2012, saying 13 days from the Department's receipt of the Medicaid application would have expired June 17, 2012, a Sunday. If the Medicaid application was processed timely, Claimant would have received SNAP benefits for her step-daughter in July 2012.

Claimant stated policy states any reported change for SNAP is effective the month after it is reported. In following this policy, her household should have received SNAP for ----- for July 2012.

- 4) WV Income Maintenance Manual § 2.2 B(2)b states:

Reporting Requirements for SNAP - Changes Which are Considered Reported

Changes reported during an application for burial assistance or an application or redetermination for any program of assistance, including SNAP benefits, which is entered in RAPIDS and includes an AG [assistance group] member.

EXAMPLE: A child is included in a SNAP AG with his mother. The next month the grandparents apply for SNAP benefits including the child of whom they now have physical custody.

Although the child's previous AG was not required to report this change, the child is removed from the AG so that he may be included with the grandparents.

- 5) WV Income Maintenance Manual § 2.2 C(1)a states:

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 is reported and failed to act on the information in a timely manner.

Increase In Benefits

Addition of an AG Member or a Decrease in Income of \$50 or More

The change must be effective no later than the month following the month in which the change is reported. When the change is reported after the data system deadline, supplemental benefits must be issued and received by the 10th of the following month or by the AG's usual issuance cycle in that month, whichever is later.

VIII. CONCLUSIONS OF LAW:

- 1) Policy stipulates a reported change involving the addition of an assistance group member for SNAP benefits takes effect the month after the change is reported.
- 2) Claimant reported the addition of her step-daughter to her household in June 2012, on a Qualified Child Medicaid application. The Department did not add Claimant's step-daughter to her SNAP assistance group until August 2012. Although the Department had a 13 day processing deadline for the Medicaid application, the Department had knowledge of the reported change in June 2012, and Claimant's step-daughter should have been included in Claimant's SNAP assistance group.
- 3) The Department was incorrect in its failure to add Claimant's step-daughter to her assistance group for July 2012.

IX. DECISION:

It is the decision of the State Hearing Officer to **reverse** the action of the Department to exclude Claimant's step-daughter from her SNAP assistance group in July 2012. Retroactive benefits for July 2012 will be issued to Claimant, providing all other eligibility requirements are met.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 31st day of August 2012

Kristi Logan
State Hearing Officer