



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
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Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

March 25, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-1342

Dear Ms. [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 Health and Human Resources. 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,

Donna L. Toler
State Hearing Officer
Member, State Board of Review

Encl: Claimant's Recourse to Hearing Decision
Form IG-BR-29

cc: Tera Pendleton, Economic Service Worker

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

██████████,

Claimant,

v.

Action Number: 15-BOR-1342

**WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,**

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 West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing was held on March 17, 2015, on an appeal filed February 13, 2015.

The matter before the Hearing Officer arises from the February 13, 2015 decision by the Respondent to approve the Claimant's Supplemental Nutrition Assistance Program (SNAP) benefits effective February 9, 2015.

At the hearing, the Respondent appeared by Tera Pendleton, Economic Service Worker. The Claimant appeared *pro se*. Appearing as a witness for the Claimant was ██████████. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Case comments computer screen print dated January 13, 2015 through March 3, 2015
- D-2 Form AEL-2, pages 1 and 2 of 6 and inROADS application for Supplemental Nutrition Assistance Program (SNAP) benefits and Healthcare, Back Dated 3 months, submission date of January 8, 2015
- D-3 Correspondence entitled Verification Checklist dated January 14, 2015, and due on January 23, 2015
- D-4 Paystubs for ██████████ dated December 2, 2014, December 30, 2014, and an illegible copy date-stamped received on January 13, 2015, and facsimile of January 13, 2015 paystub for ██████████ date-stamped received on February 2, 2015

- D-5 Correspondence to [REDACTED] from DHHR [REDACTED] dated January 23, 2015
- D-6 Employment Income computer screen print for [REDACTED]
- D-7 Correspondence to [REDACTED] from DHHR [REDACTED] dated February 13, 2015
- D-8 Case Benefit Summary computer screen print dated July 31, 2014 through March 5, 2015
- D-9 West Virginia Income Maintenance Manual §2.2.B.6

Claimant's Exhibits:

- C-1 Paystub for [REDACTED], pay date January 6, 2015
- C-2 Facsimile verification sheets for one page facsimile transmission date of January 23, 2015; one page facsimile transmission date of January 24, 2015; three page facsimile transmission date of January 13, 2015; for 1 page facsimile transmission date of February 2, 2015
- C-3 Correspondence to Claimant dated November 20, 2014

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 Claimant is a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits in a two-person Assistance Group (AG) which consists of herself and her roommate, [REDACTED] (Ms. [REDACTED])
- 2) On or about January 8, 2015, the Claimant completed an application for SNAP benefits. On the application, the Claimant reported that Ms. [REDACTED] was employed. (Exhibit D-3)
- 3) On January 13, 2015, an interview was conducted with the Claimant and the case was pended for verification of income received by Ms. [REDACTED] on December 9, 23 and 30, 2014 and January 6, 2015. Case notes indicated that the Department had the December 16, 2015 paystub for Ms. [REDACTED]. The Claimant advised that all of the recent paystubs had been forwarded to the Housing Urban Development (HUD) office, but that she would obtain an employer statement to verify Ms. [REDACTED] income. The Claimant reported that her job ended on January 5, 2015, and her last pay had not yet been received. Case comments indicate that the Claimant's employer reported that the Claimant "quit around 1/05/15, states she walked out." (Exhibit D-1)
- 4) On January 13, 2015, notice was mailed to the Claimant's household requesting verification of her roommate's income. Verification for income received on December 9, 23 and 30, 2014 and January 6, 2015 were requested and due by January 23, 2015. (Exhibit D-2)

- 5) On January 13, 2015, a facsimile containing three (3) of Ms. [REDACTED] paystubs was received by the Department. The pay stubs included pay date December 2, 2014, December 30, 2014, and an illegible paystub. The Claimant still needed to provide the December 9 and December 23, 2014 paystubs and the January 6, 2015 paystub. (Exhibit D-4)
- 6) On January 22, 2015, case comments documented that paystubs were received for December 2, 2014 (not a requested paystub), December 16, 2014 and a third paystub which was “not readable”. Case comments indicated the case was denied on January 22, 2015. (Exhibit D-1)
- 7) On January 23, 2015, the Claimant called to check on the status of her SNAP benefits. She was told the case was denied for “lack of paystubs requested”. (Exhibit D-1)
- 8) Case comments indicated that a paystub dated January 13, 2015 (not a requested paystub) was logged in the case on January 14, 2015. (Exhibit D-1)
- 9) On January 23, 2015, notice was mailed to the Claimant that her SNAP benefits were being terminated for failure to provide verification of employment income. (Exhibit D-5)
- 10) Case comments from January 30, 2015, indicated that a paystub was received on January 23, 2015, but was “very small and blurry”, identified as being “unreadable”. (Exhibit D-1)
- 11) On February 2, 2015, a worker spoke with the Claimant via telephone and indicated that the paystubs were not readable and that she may want to “refax them”. (Exhibit D-1)
- 12) Case comments on February 10, 2015, indicate that the Claimant called the office to inquire about paystubs received in the office on February 9, 2015. Notes indicated that the verifications “showed up on log. Sent email to worker to check on it.” (Exhibit D-1)
- 13) Case comments on February 12, 2015, indicated that a worker with the client services unit contacted the [REDACTED] DHHR office to inquire on the status of the Claimant’s case. Case comments documented that “Client turned in paystubs past 30 days and failed to provide pays within the original [period of consideration]. Used most recent paystubs as best available information and confirmed benefits prorated from date of receipt in office.” Paystubs used in determining the Claimant’s SNAP benefit amount included January 6, 2015, January 13, 2015, January 20, 2015, January 27, 2015 and February 3, 2015. (Exhibits D-1 and D-6)
- 14) A notice that the Claimant’s SNAP benefits were approved effective February 9, 2015, was mailed to the Claimant on February 13, 2015. (Exhibit D-7)

- 15) The Claimant contends that she submitted the requested verifications prior to the due date. She provided facsimile transmission sheets showing successful faxes were received by the Department on January 13, 2015 (three pages, which included paystubs received on December 9 and 30, 2014 and an illegible page), January 23, 2015 (one page which was illegible), January 24, 2015 (one page, not documented by the Department), and February 2, 2015 (one page, not documented by the Department). The Claimant could not recall which paystub she submitted on January 24, but testified that the January 6, 2015 paystub was faxed on February 2, 2015. The Department had no record of receipt for either paystub. The Claimant speculated that the paystubs could have been placed in her Medicaid case record, which was a separate case from the SNAP case. The Department's representative testified she reviewed the Medicaid case record and did not find the required verifications in the Medicaid case. (Exhibits C-1 and C-2)

APPLICABLE POLICY

West Virginia Income Maintenance Manual §1.2.E, indicates that it is the client's responsibility is to provide information about his/her circumstances so the Worker is able to make a correct decision about his eligibility. If the client fails to fulfill his/her obligation it may result in the denial of the application.

West Virginia Income Maintenance Manual §10.4.A, outlines the budgeting methods used for calculating participant's income. For all cases the worker must determine the amount of income that can be reasonably anticipated for the AG.

West Virginia Income Maintenance Manual §10.4.A.1, requires the use of past income when the income from the source is expected to continue and when the amount of income from the same source is expected to be more or less the same.

West Virginia Income Maintenance Manual §10.4.A.2, requires the worker to determine the amount of income received by all persons in the 30 days prior to the application date, redetermination date or interview date.

West Virginia Income Maintenance Manual §4.2.B.1, is a chart of income sources to be considered by the worker. The worker is required to verify the source and amount of all earned income for SNAP benefits and notes that the year-to-date amounts on pay stubs may be used when the client has verification of all of the other pay amounts whether used or not, but is missing one.

West Virginia Income Maintenance Manual §1.4.I, outlines agency time limits. Data system action must be taken and, if eligible, the client must receive his first SNAP benefits within 30 days of the date of application, unless Expedited Service applies. The Worker must take action to approve all eligible applications as soon as possible. When the application must be denied because the client has not responded to a DFA-6 or verification checklist within 10 days, the Worker must wait until after the 10th day but no later than the 31st day to deny the application.

West Virginia Income Maintenance Manual §1.4.M, establishes the beginning date of eligibility as being the date of application when all eligibility criteria are met within 30 days of the date of application or the date that a signed signature page from inROADS is received. Benefits for the initial month are prorated from the date of application, over the number of days remaining in the month. Initial month means the first month following any period of time in which the AG was not participating. In cases where the AG fails to provide the information requested on a DFA-6, verification checklist, an electronic signature or a signed signature page from inROADS, within the 30-day processing time limit, but provides it within 60 days of the original application date, the date of eligibility is the date the information was provided.

West Virginia Income Maintenance Manual §1.4.S.3, outlines circumstances in which a new application for benefits is required, including if the AG does not submit a redetermination before the end of the certification period.

DISCUSSION

The Claimant applied for SNAP benefits on January 8, 2015, and her application was pended for verification of income received in the household on December 9, 23 and 30, 2014, and January 6, 2015 (The paystub for December 16, 2014 had been previously provided by the Claimant).

The Claimant contended that she submitted the requested income verification and provided documentation that the facsimile transmissions were successful. The facsimile dated January 13, 2015, included paystubs received on December 2 and December 30, 2014, along with an illegible paystub. The Department still needed the December 9 and 23, 2014 and January 6, 2015 paystubs. On January 23, 2015, an illegible paystub was received. Facsimile transmission sheets were provided by the Claimant for one-page facsimiles sent on January 24 and February 2, 2015. The Department had no record that it received faxes from the Claimant on January 24, 2015 or on February 2, 2015. The Claimant testified that the February 2, 2015 facsimile contained the January 6, 2015 paystub, but she could not recall which paystub was faxed to the Department on January 24, 2015.

The Department indicated that the Claimant's case was denied on January 22, 2015. The denial notice was issued on January 23, 2015. The Claimant had until the close of business on January 23, 2015, to provide verification of earned income. The Department closed the Claimant's case prior to the deadline indicated on her verification checklist. However, the Claimant provided no evidence that the required paystubs were submitted to the Department by close of business on the 23rd of January. Even had the Claimant provided the January 6, 2015 paystub via facsimile on February 2, 2015, the Department still needed the December 9 and December 23, 2014 paystubs. Policy does permit the use of year-to-date totals to determine the earnings from a single paystub in a series, but the worker is limited to using the method when only one paystub is missing. Because the Claimant failed to provide verification of the December 9 and December 23, 2014 paystubs, the Department was unable to determine the AG's income using the year-to-date method.

Policy indicates that the beginning date of eligibility is the date of application when all eligibility criteria are met within 30 days of the date of application or the date that a signed signature page from inROADS is received. The Claimant submitted her signed inROADS application on January 8, 2015. The Claimant's 30-day verification period expired on February 6, 2015. Income verification was received on February 9, 2015, after the 30 days had expired. Because the income was verified within 60 days of the application date, the Department was required to approve and pro-rate benefits from the date the verifications were received. The Department was correct in approving the Claimant's SNAP benefits effective February 9, 2015.

CONCLUSION OF LAW

Because the Claimant failed to provide the requested income verification within 30 days of application, but did so within the 60 days of the application date, policy requires the Department to pro-rate the Claimant's SNAP benefits from the date the verifications were received. The Department was correct in its decision to approve the Claimant's SNAP benefits effective February 9, 2015.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Department's decision to approve the Claimant's Supplemental Nutrition Assistance Program (SNAP) benefits effective February 9, 2015.

ENTERED this ____ day of March 2015.

Donna L. Toler
State Hearing Officer