



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW  
P.O. Box 1247  
Martinsburg, WV 25402

Earl Ray Tomblin  
Governor

Karen L. Bowling  
Cabinet Secretary

June 23, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 15-BOR-2167

Dear [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,

Lori Woodward  
State Hearing Official  
Member, State Board of Review

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

cc: Peter VanKleeck, ESS

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

██████████,

**Appellant,**

v.

**ACTION NO: 15-BOR-2167**

**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 convened on June 17, 2015, on an appeal filed May 29, 2015.

The matter before the Hearing Officer arises from the May 18, 2015 decision by the Respondent to close Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Peter VanKleeck, Economic Service Supervisor. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Hearing Summary
- D-2 Notification letter (EDC1), dated May 18, 2015

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 father of Appellant's children, ██████████ (Mr. ██████████ resides with the Appellant intermittently, "not full-time". Mr. ██████████ was included in the Appellant's Assistance Group (AG).

- 2) The Appellant and Mr. [REDACTED] applied for Emergency Assistance at their local DHHR office on May 15, 2015. The Appellant was a recipient of SNAP benefits. (Exhibit D-1)
- 3) During the interview on May 15, 2015, the Appellant and Mr. [REDACTED] disclosed that he started a new job making \$20/hour and anticipated working 40 hours/week. The reported amount calculated monthly equaled \$3,440 per month. (Exhibit D-1)
- 4) The Appellant's Assistance Group of four (4) was over the income limit for SNAP assistance of \$2,584.
- 5) The Department sent the Appellant a closure notice on May 18, 2015, informing her that her household was over the income limit for SNAP assistance. (Exhibit D-2)

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual (IMM) §9.1, explains that children living with a parent under the age of 22 must be in the same Assistance Group (AG). Additionally, it instructs that when an individual who is included in an AG is absent or is expected to be absent from the home for a full calendar month, he is no longer eligible to be included in the AG.

IMM §2.2 mandates that once approved for SNAP benefits, all AGs must report when the total gross earned and unearned income of the AG exceeds the AG's gross income limit. Changes reported by an AG member must be acted upon.

IMM Chapter 10, Appendix B indicates that for an AG of 4, the SNAP gross income limit is \$2,584.

### **DISCUSSION**

The Appellant and Mr. [REDACTED] came into the local office requesting emergency assistance. During this visit, it was disclosed that Mr. [REDACTED] was living with the Appellant and her children and that he began working 40 hours a week at \$20 per hour. When the Department calculated this reported income for a monthly amount, it was found that the Appellant was over the gross income limit for SNAP assistance.

The Appellant argues that Mr. [REDACTED] does not live with her full time and that he "comes and goes". However, when they both came in requesting emergency assistance in May 2015, they held themselves out as living together at that time, albeit not "full-time". The Appellant and Mr. [REDACTED] reported they did live together at the May 2015 interview, and that Mr. [REDACTED] was anticipating calculated gross income of \$3,440. Mr. [REDACTED] is the father of the Appellant's children, and per policy he must be included in the AG. As a member of the AG, his income must also be included. The Department acted correctly in closing the Appellant's SNAP benefits for being over gross income.

### **CONCLUSION OF LAW**

Whereas the reported gross income of the Appellant's AG was over the income limit for SNAP assistance, the Department acted correctly in closing her SNAP benefits.

### **DECISION**

It is the decision of the State Hearing Officer to **uphold** the Department's decision to close Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

**ENTERED this 23<sup>rd</sup> day of June 2015.**

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**Lori Woodward, State Hearing Official**