



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

Karen L. Bowling
Cabinet Secretary

November 17, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-3344

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,

Kristi Logan
State Hearing Officer
Member, State Board of Review

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

cc: Holly Edwards, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 15-BOR-3344

**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 November 12, 2015, on an appeal filed October 23, 2015.

The matter before the Hearing Officer arises from the October 16, 2015, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

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

Department's Exhibits:

None

Appellant's Exhibits:

None

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 Appellant completed a SNAP eligibility review in October 2015. She reported that her 19-year old daughter [REDACTED] had moved into her household.
- 2) [REDACTED] and her income were added to the Appellant's SNAP Assistance Group (AG). The addition of [REDACTED] income caused the total countable income for the AG to exceed the allowable limit to continue receiving SNAP benefits.
- 3) SNAP benefits for the Appellant were terminated effective November 1, 2015.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §9.1A(2) states that the following individuals who live together must be in the same SNAP AG, even if they do not purchase and prepare meals together.

- Children Under Age 22, Living With a Parent - natural or adopted children and stepchildren who are under 22 years of age and who live with a parent must be in the same AG as that parent.

DISCUSSION

The Appellant contested that [REDACTED] was added to her SNAP AG. The Appellant testified that [REDACTED] moved into her home in September 2015 and the living arrangement was temporary. The Appellant contended that her daughter has a different work schedule than her, and that [REDACTED] is responsible for her own food.

Per policy, all children under the age of twenty-two (22) that are residing in the same household with a parent must be included in the same SNAP AG as that parent. There are no exceptions to this policy.

The Department was correct to add the Appellant's daughter and her income to the Appellant's SNAP AG.

CONCLUSIONS OF LAW

Whereas the total countable income for the Appellant's Assistance Group was excessive to continue receiving SNAP benefits, the Department acted according to policy in the termination of the benefit.

DECISION

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

ENTERED this 17th day of November 2015

**Kristi Logan
State Hearing Officer**