



**STATE OF WEST VIRGINIA
RESPONDENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
416 Adams St.
Fairmont, WV 26554**

**Earl Ray Tomblin
Governor**

**Karen L. Bowling
Cabinet Secretary**

June 2, 2016

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 16-BOR-1824

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 Respondent 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,

Thomas E. Arnett
State Hearing Officer
Member, State Board of Review

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

cc: Steve Bevins, Supervisor, CSU, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 16-BOR-1824

**WEST VIRGINIA RESPONDENT 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 Respondent of Health and Human Resources' Common Chapters Manual. This fair hearing was convened on June 1, 2016, on an appeal filed April 29, 2016.

The matter before the Hearing Officer arises from the March 22, 2016 decision by the Respondent to propose termination of Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Steve Bevins, Supervisor, Customer Service Unit (CSU). The Appellant appeared pro se. All witnesses were sworn and the following documents were admitted into evidence.

Respondent's Exhibits:

- D-1 WV Income Maintenance Manual §1.2.E
- D-2 WV Income Maintenance Manual §4.2
- D-3 Verification Checklist dated 3/8/16

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) Appellant was an active recipient of Supplemental Nutrition Assistance Program (SNAP) benefits in March 2016 when she reported the onset of employment income.
- 2) On March 8, 2016, Appellant was notified via a Verification Checklist (Exhibit 3) that she was required to verify proof of gross earned income by March 18, 2016. The Verification Checklist indicates (top of page 2 of 6) that paystubs or an employer statement could be used for verification, and page 4 of 6 again provides a list of acceptable documents that can be used to verify income.
- 3) On March 23, 2016, Appellant was notified that her SNAP benefits would stop effective April 30, 2016. The notice letter cited WV Income Maintenance Manual §1.2.E and indicated that she did not provide all needed information. Appellant requested a Fair Hearing and her SNAP benefits have continued pending the appeal process.

APPLICABLE POLICY

Pursuant to the WV Income Maintenance Manual §10.4.C.1, and 7 CFR §273.10 of the Code of Federal Regulations, gross income is used to determine SNAP eligibility and benefit amounts when there are no Assistance Group (AG) members who are elderly or disabled.

WV Income Maintenance Manual §1.2.E provides that it is the client's responsibility to provide information about his circumstances so the worker is able to make a correct decision about his eligibility. Failure to fulfill this obligation may result in closure.

Policy found in §4.2.B of the WV Income Maintenance Manual dictates that earned income must be verified for all programs with an income test, and that earned income must be verified for SNAP benefits during the certification period if the AG's income changes by more than \$50, or there is a change in the source of income.

DISCUSSION

The regulations that govern SNAP stipulate that the gross monthly income of the AG is used to determine eligibility and benefit amounts when there are no AG members who are elderly or disabled. Policy goes on to indicate that failure by the applicant/recipient to provide verification of the AG's gross monthly income results in closure.

Testimony and documentation received during the hearing reveals that the Appellant self-reported a change in her employment status in March 2016. Appellant was subsequently provided a written Verification Checklist on March 8, 2016, and advised that she needed to provide verification of her gross employment earnings (income before any deductions are removed) by March 18, 2016 - The Verification Checklist request listed examples of acceptable ways in which employment income can be verified. When this information was not received, and continued eligibility could not be established the Respondent, Appellant was notified on March 23, 2016, that her SNAP benefits would terminate effective April 30, 2016.

Appellant proffered testimony to indicate that she was in contact with her worker on several occasions, and contended that she provided a bank deposit statement to verify her income. However, a bank deposit statement would not include gross income and is subject to several payroll deductions in addition to taxes. Appellant contended that she did not understand what “gross income” meant, but later acknowledged she was informed by her worker that she needed to provide a paystub or a statement from her employer to verify gross employment wages.

The Appellant further contended that she had difficulty securing this information from her [REDACTED]-based employer because she uses direct deposit. Appellant, however, acknowledged that while she has learned how to access that information, she has not provided that information to the Respondent, and she did not bring the requested information to the hearing.

The facts of this case come down to one undisputed issue. The Appellant failed to verify her gross monthly income, and without that information, continued eligibility for participation in the SNAP could not be established.

CONCLUSION OF LAW

- 1) Gross monthly income is used to determine SNAP eligibility and benefit amounts when there are no AG members who are elderly or disabled.
- 2) Employment income must be verified for all programs with an income test, including SNAP.
- 3) Employment income must be verified for SNAP benefits during the certification period if the AG’s income changes by more than \$50, or there is a change in the source of income.
- 4) It is the client’s responsibility to provide information about his/her circumstances so the worker is able to make a correct decision about his/her eligibility. Failure to fulfill this obligation may result in closure.
- 5) The Appellant failed to comply with the request to verify her gross monthly employment income. As a result, her SNAP benefits were correctly terminated.

DECISION

It is the decision of the State Hearing Officer to UPHOLD Respondent’s proposal to terminate Appellant’s SNAP benefits effective April 30, 2016.

ENTERED this ____ Day of June 2016.

**Thomas E. Arnett
State Hearing Officer**