

# STATE OF WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES OFFICE OF INSPECTOR GENERAL

Earl Ray Tomblin Governor BOARD OF REVIEW 1400 Virginia Street Oak Hill, WV 25901 Karen L. Bowling Cabinet Secretary

August 11, 2016



RE:

v. WV DHHR ACTION NO.: 16-BOR-2233

Dear Ms.

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: Kristy Dalton, County DHHR

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

Appellant,

v. Action Number: 16-BOR-2233

# 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 August 9, 2016, on an appeal filed July 1, 2016.

The matter before the Hearing Officer arises from the July 11, 2016 decision by the Respondent to reduce the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Pam Randolph, Family Support Supervisor. Appearing as witnesses for the Respondent were Summer Caraway, Family Support Specialist and Tammi Cooley, Front-End Fraud Investigator. The Appellant appeared *pro se*. Appearing as a witness for the Appellant was a witnesses were sworn and the following documents were admitted into evidence.

## **Department's Exhibits:**

**D-1 Hearing Summary** 

D-2 Statement from Appellant dated June 7, 2016

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.

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#### FINDINGS OF FACT

- 1) The Appellant was an active recipient of SNAP benefits for herself and her three (3) children.
- On June 13, 2016, the Department's Front-End Fraud Unit requested that the father of be added to the Appellant's SNAP Assistance Group (AG).
- The addition of Mr. and his income to the Appellant's SNAP AG, resulted in a reduction of monthly SNAP benefits from \$620 to \$300 effective August 1, 2016.
- 4) The Appellant requested a hearing over the reduction of her SNAP benefits, contending that Mr. does not reside in her household.

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual §9.1A(1) states that the SNAP AG must include all eligible individuals who both live together and purchase and prepare their meals together.

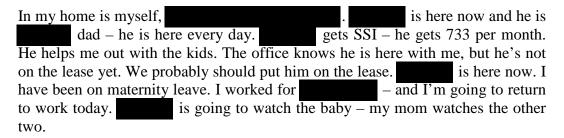
West Virginia Income Maintenance Manual §9.1A(2) states that the following individuals who live together must be in the same AG, even if they do not purchase and prepare meals together.

• 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.

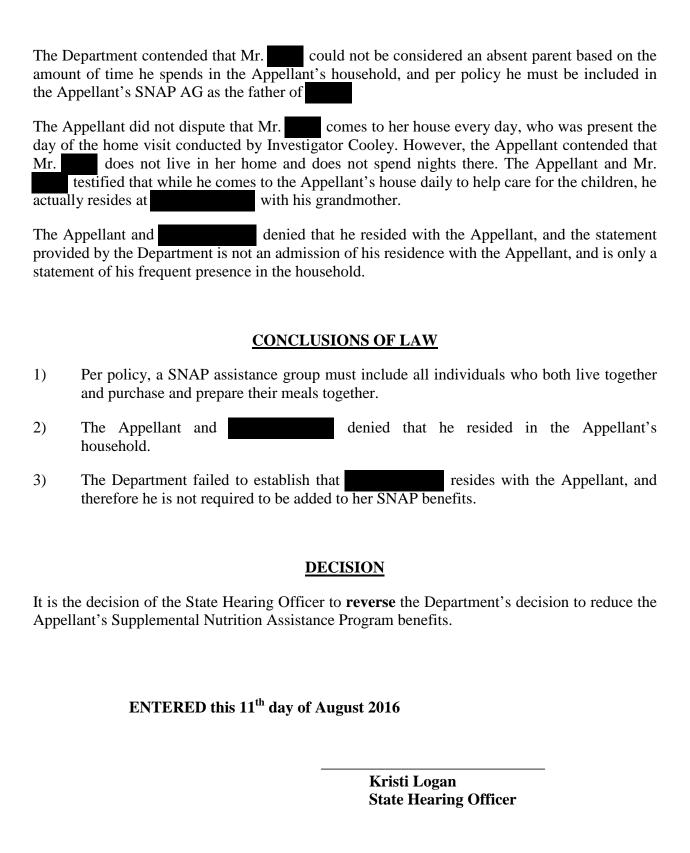
#### **DISCUSSION**

SNAP policy defines a SNAP AG as all individuals who both live together and purchase and prepares their meals together. SNAP policy requires that a parent residing in the same household as their child under the age of 22 must be included in the same SNAP AG. Policy does not define how many hours must be spent in a particular household to be considered as a resident of that household.

The Department obtained a statement (D-2) from the Appellant on June 7, 2016, regarding her household composition, which reads in pertinent part:



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