

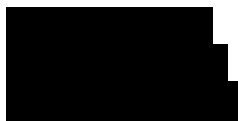


STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
1400 Virginia Street
Oak Hill, WV 25901

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

February 21, 2017



RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-1143

Dear Mr. [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: Jennifer Phillips, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 17-BOR-1143

**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 February 21, 2017, on an appeal filed January 25, 2017.

The matter before the Hearing Officer arises from the December 15, 2016, decision by the Respondent to exclude members of the Appellant's household from his Supplemental Nutrition Assistance Program benefits.

At the hearing, the Respondent appeared by Jennifer Phillips, Economic Service Worker. 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 applied for Supplemental Nutrition Assistance Program (SNAP) benefits on November 30, 2016.
- 2) The Appellant reported that his household consisted of himself and his four (4) children.
- 3) The Appellant's children were active recipients of SNAP benefits in their mother's case at the time of the November 2016 application.
- 4) SNAP benefits for the Appellant were approved, but his children were not included in his SNAP assistance group.
- 5) Per the custody agreement, the Appellant has the children 48% of the week, their mother has the children 52% of the week.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §9.1(A)(2) states that there is no required maximum/minimum amount of time the child must spend with a parent for the child to be included in the SNAP AG [assistance group]. If no one is receiving any SNAP benefits from the Department for the child, it is assumed that the living arrangements are not questionable and the child is added to the SNAP AG that wishes to add him. If the child is already listed in another SNAP AG or the other parent wishes to add the child to his SNAP AG, the parents must agree as to where the child "lives" and, ultimately, to which SNAP AG he is added. Where the child receives the majority of his meals, or the percentage of custody must not be the determining factor in which parent receives SNAP for the child.

West Virginia Income Maintenance Manual § 8.1(A) states that no person may receive SNAP benefits in more than one AG for the same month.

DISCUSSION

The Appellant applied for SNAP benefits for himself and his four (4) children. SNAP benefits were approved for the Appellant; however, his children were receiving benefits in another case and were not added to the Appellant's assistance group.

The Appellant contended that he provides the majority of meals for his children, and he should be entitled to receive SNAP benefits on their behalf.

SNAP policy prohibits individuals receiving benefits in separate assistance groups in the same month. In the case of shared custody, it is the responsibility of the parents to decide which parent will receive SNAP benefits for the children. The amount of time spent with the parent, or the amount of meals provided by the parent has no bearing on which parent will receive SNAP for the children.

The Appellant's children were active SNAP recipients in another assistance group when the Appellant applied for SNAP benefits on their behalf. The Respondent was correct to deny duplicate benefits for the Appellant's children in his case.

CONCLUSIONS OF LAW

- 1) Per policy, individuals cannot receive SNAP benefits in more than one assistance group in the same month.
- 2) The Appellant's children are active SNAP recipients in another assistance group.
- 3) The Appellant cannot receive SNAP benefits for his children while they are recipients in another case.
- 4) The Respondent was correct to exclude the Appellant's children from his SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision by the Respondent to exclude the Appellant's children from his Supplemental Nutrition Assistance Program (SNAP) benefits.

ENTERED this 21st day of February 2017

Kristi Logan
State Hearing Officer