

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

Jim Justice Governor BOARD OF REVIEW 1400 Virginia Street Oak Hill, WV 25901 Bill J. Crouch Cabinet Secretary

March 22, 2017



RE: v. WV DHHR

ACTION NO.: 17-BOR-1323/17-BOR-1324

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: Margaret Fain, County DHHR

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



v. Action Number: 17-BOR-1323 SNAP

**17-BOR-1324 MEDICAID** 

## 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 March 21, 2017, on an appeal filed February 21, 2017.

The matter before the Hearing Officer arises from the February 13, 2017 decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) and Adult Medicaid benefits.

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

## **Department's Exhibits:**

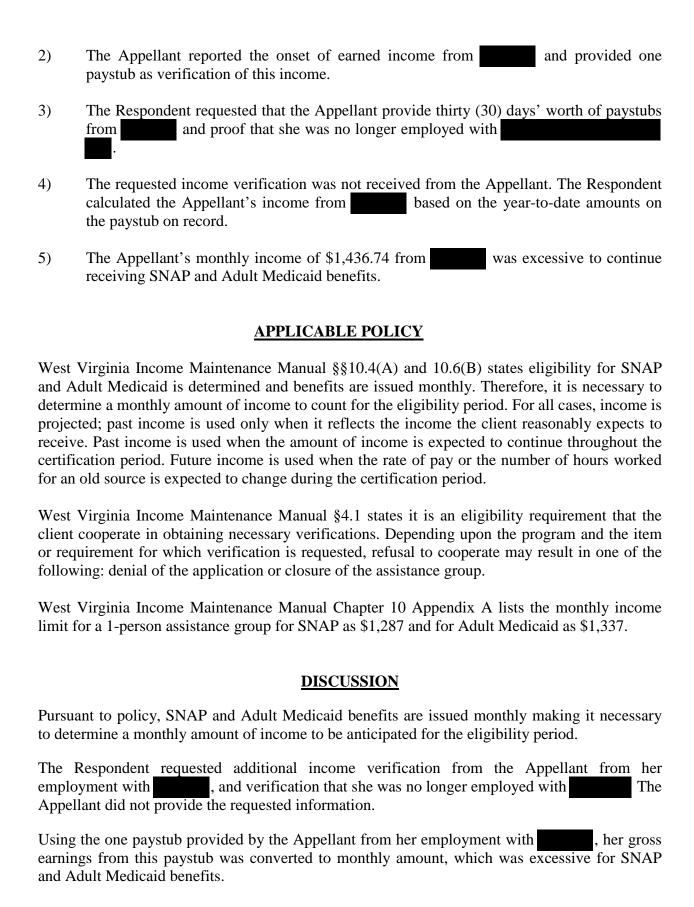
None

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 was a recipient of SNAP and Adult Medicaid benefits.

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The Appellant testified that her last two (2) paychecks she received from \$1,129.51 gross, and the paystub she previously submitted included holiday pay which will not continue. The Appellant reported that she worked for for only one (1) week. The Appellant admitted that she did not submit additional paystubs from her employment with to support her contention that her income had decreased.

It was the Appellant's responsibility to provide the information requested by the Respondent to make an accurate determination of her income. The Respondent used the only income verification on record to determine the Appellant's eligibility for SNAP and Medicaid benefits, and without verification of a decrease in the Appellant's earnings, SNAP and Adult Medicaid benefits were correctly terminated due to excessive income.

## **CONCLUSIONS OF LAW**

- 1) Pursuant to policy, income that is used to determine eligibility for SNAP and Adult Medicaid benefits must be expected to continue throughout the certification period.
- 2) The Respondent requested additional income verification from the Appellant to determine eligibility for SNAP and Adult Medicaid.
- 3) The Appellant did not submit the requested verification.
- 4) The Respondent used the income for the Appellant on record to determine eligibility.
- 5) This income was excessive for the Appellant to continue receiving SNAP and Adult Medicaid benefits.

### **DECISION**

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

ENTERED this 22<sup>nd</sup> day of March 2017

Kristi Logan
State Hearing Officer

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