

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

Jim Justice Governor BOARD OF REVIEW 4190 West Washington Street Charleston, WV 25313 Bill Crouch Cabinet Secretary

July 13, 2017



RE: v. WV DHHR
ACTION NO.: 17-BOR-1908

Dear Mrs.

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,

Natasha Jemerison State Hearing Officer Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision

Form IG-BR-29

cc: Tera Pendleton, ESW

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES BOARD OF REVIEW

Appellant,

v. Action Number: 17-BOR-1908

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 July 6, 2017, on an appeal filed May 26, 2017.

The matter before the Hearing Officer arises from the May 5, 2017 decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits due to an increase in income and Assistance Group (AG) members.

At the hearing, the Respondent appeared by Tera Pendleton, Economic Service Worker. Appearing as a witness for the Department was Tammie Drumheller, Front-End Fraud Unit (FEFU). The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Case Comments computer screen print, dated March 2017 through May 2017
- D-2 Household Members computer screen print
- D-3 Case Benefit Summary computer screen print, dated August 2016 through May 2017
- D-4 Employment Income computer screen prints
- D-5 Notice of Decision, dated May 5, 2017
- D-6 Front-End Fraud Unit (FEFU) Summary of Investigation with corresponding documents

Appellant's Exhibits:

A-1 Statements from the Appellant's co-workers and friends

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 Supplemental Nutrition Assistance Program (SNAP) benefits that were calculated based on her report of having a three-person Assistance Group (AG), herself and her two (2) children.
- 2) The Appellant is married to and they have two (2) children in common.
- is included on the Appellant's lease.
- 4) On May 3, 2017, the Front-End Fraud Unit (FEFU) completed an investigation and determined had earned income beginning December 2016, and resided in the home with the Appellant. (D-6)
- As a result of the FEFU investigation, and his earned income were added to the Appellant's SNAP case. (D-4)
- On May 5, 2017, the Appellant was notified that her SNAP benefits would close effective June 1, 2017, due to the increase in household income. (D-1)

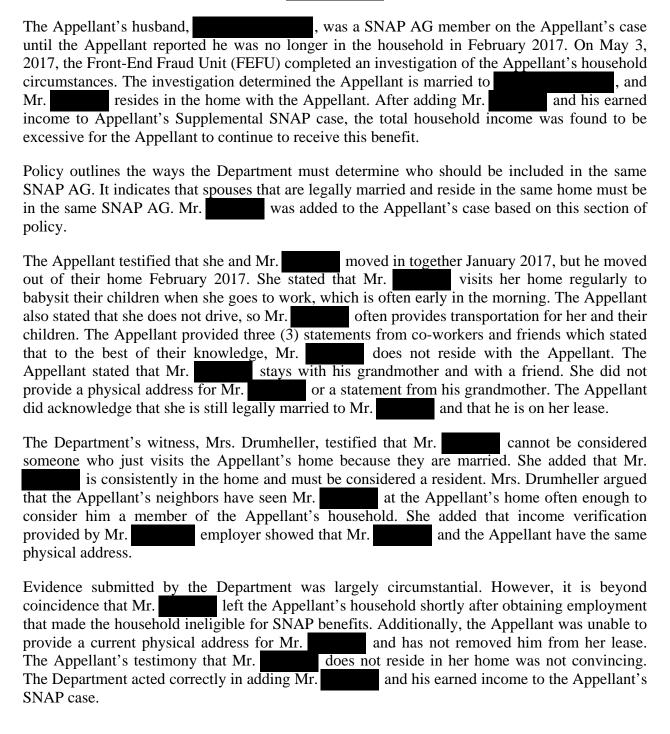
APPLICABLE POLICY

West Virginia Income Maintenance Manual §9.1 explains the following individuals who live together must be in the same Assistance Group (AG), even if they do not purchase and prepare meals together:

- Spouses, individuals who are legally married to each other under provisions of state law or those moving to West Virginia from states that recognize their relationship as a legal marriage;
- Children under age 18 who live with and are under the parental control of an adult AG who is not a parent, must be in the same AG as the member who exercises parental control;

- Children under age 22, living with a parent.

DISCUSSION



CONCLUSIONS OF LAW

- Because policy requires that spouses that reside together be included in the same SNAP AG, Mr. and his income must be added to the Appellant's case.
- 2) The Department acted correctly in terminating the Appellant's SNAP benefits based on an excess of income for the program.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to terminate the Appellant's SNAP benefits.

ENTERED this 13th day of July 2017

Natasha Jemerison State Hearing Officer