



**STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW  
P.O. Box 1247  
Martinsburg, WV 25402**

**Jim Justice  
Governor**

**Bill J. Crouch  
Cabinet Secretary**

September 14, 2017

[REDACTED]

RE: [REDACTED] v. WV DHHR,  
BOR ACTION NO.: 17-BOR-2331

Dear [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,

Lori Woodward  
State Hearing Officer  
Member, State Board of Review

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

cc: Robert Meade, [REDACTED] Co. WV DHHR

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

██████████,

**Appellant,**

v.

**Action Number: 17-BOR-2331**

**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 September 12, 2017, on an appeal filed August 18, 2017.

The matter before the Hearing Officer arises from the Respondent's August 16, 2017 closure of Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Robert Meade, Family Support Specialist. The Appellant appeared *pro se*. The witnesses were sworn and the following documents were admitted into evidence:

**Department's Exhibits:**

- D-1 Closure Notice dated August 16, 2017
- D-2 WV Income Maintenance Manual §§1.2.E and 4.1.A (excerpts)
- D-3 Screen prints of the Case Summary, Case Benefit Summary, and Household Relationships from the Appellant's eRapids case
- D-4 Verification Checklists (DFA-6) sent to the Appellant, dated June 13, 2017 and July 25, 2017
- D-5 Written statement from ██████████, signed and dated June 13, 2017
- D-6 Screen prints of case comments from the Appellant's eRapids case, April 4, 2016, June 8, 2017, June 13, 2017, June 26, 2017, July 6, 2017, July 18, 2017, July 25, 2017 and August 15, 2017

**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 SNAP benefits on May 31, 2017, claiming only herself and her newborn child in the household. (Exhibit D-6)
- 2) The Respondent's Front End Fraud Unit (FEFU) obtained information that [REDACTED], the father of the Appellant's newborn child, was living with the Appellant and was employed. (Exhibit D-5)
- 3) The Respondent sent a Verification Checklist on June 13, 2017, requesting [REDACTED] employment information and verification of living arrangement, due by June 23, 2017. (Exhibit D-4)
- 4) The requested information was not received by June 23, 2017 and the Respondent denied the Appellant's SNAP application. (Exhibit D-6)
- 5) The Appellant applied for WV WORKS and SNAP benefits on July 18, 2017. (Exhibit D-6)
- 6) A Verification Checklist was sent to the Appellant on July 25, 2017, again requesting information regarding [REDACTED], which was due by August 4, 2017. (Exhibit D-4)
- 7) The requested information was not received by August 4, 2017. On August 16, 2017, the Respondent sent the Appellant notification of denial of her SNAP application. (Exhibit D-1)
- 8) The Appellant requested a fair hearing on August 18, 2017, asserting that [REDACTED] was not in her household.

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual (IMM) §1.2.E explains that it is the client's responsibility to provide accurate information regarding his or her circumstances so that a correct decision about eligibility can be made. Failure to fulfill this obligation may result in the denial of an application, closure of an active Assistance Group (AG), removal of an individual from the AG, and/or a repayment/reduction in benefits.

IMM §9.1.A.1.b(2) mandates children who are under the age of 22 and who live with a parent be included in the same AG as that parent.

IMM §4.1 necessitates verification of a client's statement when the policy requires routine verification of specific information (See Section 4.2) or the information provided is questionable. Information is considered questionable if it is inconsistent with other information provided or with information received by the Department from other sources, it is incomplete, obviously inaccurate or outdated. Additionally, information may be considered questionable if past experience with the client reveals a pattern of providing incorrect information or withholding information. A case recording must substantiate the reason the worker questions the client's statement.

The primary responsibility for providing verification rests with the client. Failure of the client to provide necessary information or to sign authorizations for release of information results in denial of the application or closure of the active case, provided the client has access to such information and is physically and mentally able to provide it. (IMM §4.1.A)

### **DISCUSSION**

On June 8, 2017, a SNAP application interview was completed wherein the Appellant reported her household only included herself and her newborn child. On June 13, 2017, information was received by the FEFU investigative unit that [REDACTED], the father of the Appellant's newborn child, was living in the Appellant's household and was employed. The Respondent sent a verification checklist requesting information about [REDACTED] by June 23, 2017. This information was not received by the Respondent and the Appellant's SNAP application was denied.

On July 18, 2017, the Appellant applied for WV WORKS and SNAP benefits. The Respondent again sent a verification checklist requesting information regarding [REDACTED], due by August 4, 2017. On August 16, 2017, a SNAP closure letter was sent as the requested information was not received by the deadline. Thereupon, the Appellant filed for a fair hearing on the matter.

The Appellant did not dispute that she failed to return the verification as requested. Instead, she reported at the hearing that [REDACTED] was no longer in her household as of August 15, 2017. The Appellant provided no corroborating evidence that she submitted, or attempted to submit, any verification to the Respondent regarding her assertion that [REDACTED] was no longer in her household. As the Appellant did not respond to the verification request, the Respondent was correct in denying her SNAP application.

### **CONCLUSION OF LAW**

Whereas the Appellant did not provide the Respondent with the requested verification by the due date, the Respondent correctly denied the Appellant's SNAP application.

## **DECISION**

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

**ENTERED this 14<sup>th</sup> day of September 2017.**

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Lori Woodward, State Hearing Officer