



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

**Bill J. Crouch  
Cabinet Secretary**

**Board of Review  
State Capitol Complex  
Building 6, Room 817-B  
Charleston, West Virginia 25305  
Telephone: (304) 558-0955 Fax: (304) 558-1992**

**M. Katherine Lawson  
Inspector General**

February 15, 2018

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 17-BOR-3000

Dear Ms. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matters.

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,

Todd Thornton  
State Hearing Officer  
Member, State Board of Review

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

cc: Gilda Bodrogi, Department Representative

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

██████████,

**Appellant,**

v.

**Action No.: 17-BOR-3000**

**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 January 31, 2018, on an appeal filed December 19, 2017.

The matter before the Hearing Officer arises from the Respondent's December 14, 2017 decision to reduce the Appellant's SNAP benefits due to ineligible students in the household.

At the hearing, the Respondent appeared by Gilda Bodrogi. The Appellant appeared *pro se*. Appearing as a witness for the Appellant was her mother, ██████████. All witnesses were sworn and the following documents were admitted into evidence.

**EXHIBITS**

**Department's Exhibits:**

- |     |   |
|-----|---|
| D-1 | SNAP eligibility review form<br>Date signed: December 5, 2017                                       |
| D-2 | Data system screen print<br>Case Comments<br>Entry dates: August 8, 2017, through December 13, 2017 |
| D-3 | Website screen print<br>██████████<br>Date retrieved: December 19, 2017                             |

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 benefits.
- 2) The Appellant completed a review of SNAP eligibility for her household, by completing and signing a review form on December 5, 2017 (Exhibit D-1), and participating in a follow-up interview by telephone on December 13, 2017 (Exhibit D-2).
- 3) At this review the Appellant reported that she was attending classes at [REDACTED], and that her daughter was enrolled at [REDACTED].
- 4) At this review the Appellant did not verify or report any potential exemptions to student policy for herself or her daughter.
- 5) [REDACTED] and [REDACTED] are institutes of higher education which require a high school diploma or its equivalent for enrollment.
- 6) The Respondent reduced the SNAP benefits of the Appellant to reflect the exclusion of the two ineligible students from her SNAP assistance group.

### **APPLICABLE POLICY**

The West Virginia Income Maintenance Manual (WVIMM), at §3.2.1, establishes the composition of a SNAP assistance group.

At §3.2.1.E, this policy addresses the consideration of students for SNAP eligibility, and reads, “A student enrolled at an institute of higher education is ineligible to participate in SNAP...” unless the individual meets an exemption. This section defines an institute of higher education as “...a business, technical, trader, or vocational school that normally requires a high school diploma or its equivalent for enrollment in the curriculum, or a college or university that offers degree programs whether or not a high school diploma is required for a particular curriculum.”

## **DISCUSSION**

The Appellant requested a fair hearing based on the decision of the Respondent to reduce her SNAP benefits based on ineligible student policy. The Respondent must show by a preponderance of the evidence that it correctly applied this policy, resulting in the exclusion of two students from the SNAP assistance group and a corresponding reduction in SNAP benefits.

There was no dispute of the fact that the Appellant and her daughter were students of institutions of higher education, as defined by SNAP policy. The Appellant contended that she and her daughter met exemptions to this policy. There is no evidence to indicate this information was verified – or even reported – during the Appellant’s December 2017 SNAP review. Testimony from the Appellant and her mother suggested there are potential exemptions, but not that this information was reported or verified prior to the time of the Respondent’s action to reduce SNAP benefits.

The Respondent acted correctly to remove two ineligible students from the Appellant’s SNAP assistance group, resulting in the reduction of her SNAP benefits.

## **CONCLUSION OF LAW**

Because the Appellant’s household includes two students without verified exemptions from student policy, the Respondent was correct to reduce the SNAP assistance group size and corresponding level of SNAP benefits for the Appellant.

## **DECISION**

It is the decision of the State Hearing Officer to **uphold** the Respondent’s decision to reduce the Appellant’s SNAP benefits based on ineligible student policy.

**ENTERED this \_\_\_\_ Day of February 2018.**

---

**Todd Thornton**  
**State Hearing Officer**