



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
Berkeley County DHHR
PO Box 1247
Martinsburg, WV 25402**

**Bill J. Crouch
Cabinet Secretary**

**Jolynn Marra
Interim Inspector General**

**Si usted tiene preguntas, por favor llame a
Keyla Dominquez o Ana Seymour, 304-267-0100**

September 19, 2019

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 19-BOR-2316

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: Margaret Vloedman, BCF, [REDACTED] Co. DHHR

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

[REDACTED],

Appellant,

v.

ACTION NO: 19-BOR-2316

**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 [REDACTED]. 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 17, 2019, on an appeal filed August 29, 2019.

The matter before the Hearing Officer arises from the August 22, 2019 decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Ann Hubbard, Economic Service Supervisor. Appearing as witness for the Respondent was Peter VanKleeck, Family Support Supervisor. The Appellant appeared *pro se*. All witnesses were sworn, and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Verification Request form (DFA-6), dated August 8, 2019
- D-3 Notice (EDI3) of Appellant's SNAP benefits, dated August 21, 2019
- D-4 Notice (EDC1) of SNAP closure, dated August 22, 2019
- D-5 Notice (EDI1) of SNAP increase, dated September 4, 2019
- D-6 Equifax Instant Client Insights [REDACTED] employment information, dated September 5, 2019
- D-7 Equifax Instant Client Insights [REDACTED] employment information, dated September 7, 2019

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 is a recipient of SNAP benefits.
- 2) On August 8, 2019, the Appellant reported she lost her employment with [REDACTED], and that she had an increase in her monthly rent expense.
- 3) By letter dated August 8, 2019, the Respondent requested verification of the Appellant's loss of employment which was due by August 18, 2019. (Exhibit D-2)
- 4) By policy, the Respondent did not remove the income from [REDACTED] that was in the Appellant's case when she failed to return the requested verification by the due date.
- 5) On August 21, 2019, the Respondent sent notification to the Appellant that her SNAP benefits would remain the same as she was within her certification period. (Exhibit D-3)
- 6) The August 21, 2019 notice included SNAP budget information which showed a Shelter/Utility Deduction of \$260.63. (Exhibit D-3)
- 7) On August 22, 2019, a notice of SNAP closure was sent to the Appellant stating her SNAP benefits were being closed because "You did not request benefits for the persons listed below. You requested this benefit to be closed." This closure was to be effective October 1, 2019. (Exhibit D-4)
- 8) The August 22, 2019 closure was made in error. Upon discovery of the error, the Respondent reopened the Appellant's SNAP benefits which were continued without interruption. (Exhibit D-5)
- 9) The Appellant's employment with [REDACTED] ended on August 5, 2019. (Exhibit D-6)
- 10) The Appellant began new employment with [REDACTED] and received her first pay on August 9, 2019 for a pay period end date of August 3, 2019. (Exhibit D-7)

APPLICABLE POLICY

A SNAP Assistance Group (AG) is subject to limited reporting requirements. However, regardless of the SNAP reporting requirement, all changes reported directly by an AG member, the AG's

authorized representative and/or authorized Electronic Benefits Transfer (EBT) cardholder, or from a source that is listed as verified upon receipt must be acted on, even if the AG is not required to report the information. When reported information results in a change in benefits and additional or clarifying information is needed, the worker must first request the information by using the DFA-6 or verification checklist. During a SNAP certification period, if the client does not provide the information within the time frame specified by the worker on the DFA-6, the SNAP benefits will remain the same. (WV IMM, Chapter 10, §10.4.2)

Changes which result in an increase in benefits are effective the month following the report month if the next issuance date is more than 10 days after the date the change is reported, unless otherwise noted in policy. (WV IMM, Chapter 10, §10.4.3.A.2)

In calculating the Shelter/Utility Deduction, after all other exclusions, disregards, and deductions have been applied, 50% of the remaining income is compared to the total monthly shelter costs and the appropriate SUA. If the shelter costs/SUA exceed 50% of the remaining income, the amount in excess of 50% is deducted. The deduction cannot exceed the shelter/utility cap found in Appendix B. EXCEPTION: The cap on the shelter/utility deduction does not apply when the SNAP AG includes an individual who is elderly or disabled. (IMM, Chapter 4, §4.4.2.B.7)

DISCUSSION

The Appellant is a SNAP benefit recipient. On August 8, 2019, during her SNAP certification period, the Appellant reported a loss of employment from [REDACTED]. The Respondent issued a request for verification of the reported loss of employment which was due by August 18, 2019. By policy, because the Appellant had not returned the requested verification by the due date, and because she was still within her SNAP certification period, the Respondent issued a notice that her SNAP benefits would remain the same. The Appellant did not dispute these facts.

Evidence introduced by the Respondent from Equifax, a database available to the Respondent, showed that the Appellant's loss of employment with [REDACTED] was August 5, 2019. However, the Equifax inquiry also revealed that the Appellant began employment with [REDACTED] receiving her first pay on August 9, 2019. The Appellant did not contest these facts.

Unfortunately, on August 22, 2019, the Respondent issued a SNAP closure notice which stated that the Appellant's benefits were being closed due to her not requesting the benefits and because she had requested closure. The closure effective date showed October 1, 2019. At the hearing, it was discovered that this notice showed a change in address from [REDACTED] to [REDACTED].* The Respondent admitted that this closure notice was sent in error, and that the Appellant's benefits were reopened upon its discovery and continued without interruption.

*It should be noted that the Appellant filed this appeal on the DFA-FH-1 form included with the August 22, 2019 notice, stating her reason for appeal as: "I still need food stamps not to close case." Thus, although the address was incorrect, she did receive the notice of closure. Additionally, as the erroneous change in address was not discovered until this hearing, the

Appellant did receive the scheduling order and hearing exhibits sent to the [REDACTED] address.

At the hearing, the Appellant raised the issue that she reported an increase in her monthly rent expense to \$550 on the same day she reported her loss of employment. The Appellant averred that this increase in her rent expense was not included in her SNAP benefit calculations. Policy generally requires that reports of changes which increase the SNAP benefit amount be effected the month after it is reported as long as it was reported within a certain time frame. Unfortunately, the evidence presented only showed the net calculation of the shelter/utility expense used in the SNAP budget shown on the August 21, 2019. Without more, it cannot be determined whether this represented the reported increase in rent expense.

Because the Appellant reported a loss of employment during her certification period but did not submit any verification as requested by the due date, the employment income from [REDACTED] correctly remained in her SNAP budget calculations. The Respondent admittedly closed the Appellant's SNAP benefits in error on August 22, 2019, which were reopened upon discovery of the error and continued without interruption. However, it is noted that testimony was provided about the possibility of a closure subsequent to the Appellant's hearing request, which was not at issue for this hearing and therefore was not addressed. Finally, there was not enough evidence to determine whether the Respondent acted upon the reported increase in the Appellant's shelter expense.

CONCLUSIONS OF LAW

1. Policy requires that all changes reported directly by an Assistance Group (AG) member be acted upon. When the reported information results in a change in benefits and additional or clarifying information is needed, the worker must first request the information by using the DFA-6 or verification checklist.
2. The Appellant reported a loss of employment on August 8, 2019, which was within her SNAP certification period. The Respondent requested verification of the loss of employment by August 18, 2019.
3. Per policy, because the Appellant failed to return the requested verification by the due date, the Respondent did not remove the income from her SNAP benefit case.
4. The Respondent erroneously closed the Appellant's SNAP benefits but reopened them upon discovery of the error without interruption of benefits.
5. There was not enough evidence to determine whether the reported increase in rent was acted upon by the Respondent.

DECISION

It is the decision of the State Hearing Officer to **REMAND** the case to determine whether the reported change in rent was acted upon by the Respondent in calculating the Appellant's September 2019 and subsequent benefit months remaining in her SNAP certification period. Any action resulting from this remand is subject to appeal by the Appellant.

ENTERED this 19th day of September 2019.

Lori Woodward, State Hearing Official