



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

**Bill J. Crouch
Cabinet Secretary**

**BOARD OF REVIEW
4190 Washington Street, West
Charleston, West Virginia 25313
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**Jolynn Marra
Interim Inspector General**

November 25, 2019

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.:19-BOR-2496

Dear Ms. [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,

Danielle C. Jarrett
State Hearing Officer
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision
Form IG-BR-29
cc: Lisa Snodgrass, Department Representative

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

██████████,

Appellant,

v.

Action Number: 19-BOR-2496

**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 October 22, 2019, on an appeal filed September 30, 2019.

The matter before the Hearing Officer arises from the September 23, 2019 decision by the Respondent to pend for verification of household income for the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefit.

At the hearing, the Respondent appeared by Lisa Snodgrass, Family Support Specialist, WVDHHR. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Verification Checklist, dated September 23, 2019
- D-2 eRAPIDS computer system screenshot printout of Case Comments, dated September 20, 2019 through October 2, 2019
- D-3 eRAPIDS computer system screenshot printout of ██████████
- D-4 eRAPIDS computer system screenshot printout of Employment Income for ██████████ and ██████████
- D-5 eRAPIDS computer system screenshot printout of Self-Employment Income for ██████████
- D-6 eRAPIDS computer system screenshot printout of Self-Employment Income for ██████████
- D-7 eRAPIDS computer system screenshot printout of Unearned Income for ██████████
- D-8 West Virginia Income Maintenance Manual (WV IMM) §§ 1.2.2 through 1.2.3.A

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 for a three-person Assistance Group (AG), herself and her two children.
- 2) On September 20, 2019, the Appellant applied for Emergency Assistance (EA) benefit at the local Department of Health and Human Resources (DHHR) office. (Exhibit D-2)
- 3) On September 23, 2019, the Appellant was pended for verification of cooperating in relieving the emergency for her EA application. (Exhibit D-2)
- 4) The September 23, 2019 notice included that the Appellant's SNAP benefit was pended for verification of her household income, due on or before September 30, 2019. (Exhibit D-1)
- 5) On September 24, 2019, the Appellant was present at the local DHHR office and inquired about her pended SNAP benefit. (Exhibit D-2)
- 6) At the time of the application for EA, the Appellant was employed by [REDACTED].
- 7) As of the date of the hearing, the Respondent had failed to update the Appellant's case record with the submitted verifications.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WV IMM) § 1.2.4 reads that the client's responsibility is to provide complete and accurate information about his or her circumstances so that the worker can make a correct determination about his or her eligibility.

WV IMM § 1.2.2.4 explains that the application may be held, pending receipt of necessary information or verification, but there are processing time limits that must be met. All applications must have a final disposition and the client must be notified of the decision.

WV IMM § 1.2.3.A explains that the Department must obtain all pertinent, necessary information through verification, when appropriate.

WV IMM § 1.2.5 reads that providing the applicant with a list of verifications is needed to determine eligibility, using form DFA-6 or the verification checklist. He must also be told the penalty for failure to provide the verifications and what he must do if he finds he cannot obtain it by the deadline.

WV IMM § 10.2.1 reads if the reported information is true and would have a bearing on eligibility or the benefit level, the Worker must contact the client to confirm the information, keeping in mind the AG's reporting requirements. Verification may be requested, if appropriate.

WV IMM § 10.4.2 Client Reporting Requirements provides in part:

All SNAP AGs must report changes related to eligibility and benefit amount at application and redetermination. SNAP AGs are subject to limited reporting requirements, and the reporting requirements in this section apply to recipient AGs only.

The reporting requirements for SNAP clients are only for SNAP benefits and do not affect the reporting requirements of any other program of assistance that the AG also receives.

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 below must be acted on, even if the AG is not required to report the information.

When the reported information results in a change of benefits and additional or clarifying information is needed, the Worker must first request the information by using the DFA-6 or verification checklist. If the client does not provide the information within the time frame specified by the Worker, the appropriate action is taken after adverse action. Each reported change is evaluated independently for the appropriate action to be taken. When a reported change results in the change of the certification period, the client must receive advance notice of the change.

When a client reports a change in a new source of income, the SNAP benefit is impacted by either an increase or decrease in benefits. When the requested information is not returned, the SNAP benefits close.

WV IMM § 20.2.1 explains that the EA program is used to assist individuals and families in meeting a financial crisis when they are without available resources. EA is designed to provide short-term emergency financial assistance with which eligibility individuals and families may obtain certain items or services needed to eliminate an emergency or crisis.

WV IMM § 20.2.2.F.1 reads the Worker must determine availability of income to the applicant and all other members of the AG. All countable gross income received by any member of the AG,

beginning with date of application and ending 29 days later, must be counted in determining eligibility for EA.

DISCUSSION

On September 20, 2019, the Appellant applied for EA benefits at the local DHHR office. On September 23, 2019, the Appellant's EA application was pended for verification of "cooperating in relieving the emergency". EA policy explains that the Respondent must determine availability of income to the Appellant and all other members of the AG.

As a result of her application for EA, the Appellant's SNAP benefits pended for verification of her household income. The notice advised the Appellant that the pended verification was due on or before September 30, 2019. The Appellant contested the Respondent's decision to pend her SNAP benefits for verification of income.

On September 24, 2019, the Appellant was present at the local DHHR office and inquired about the requested verification for her SNAP benefit and on September 30, 2019, she submitted the requested verification. The Appellant argued that she turned in all requested information in a timely manner. As of the date of the hearing, the Respondent had failed to update the Appellant's case record with the verifications she submitted for her SNAP benefit. However, whether verification had been submitted was not the issue of the hearing. The matter before the Board of Review was whether the Department was correct to pend the Appellant's SNAP benefits at the time she applied for EA.

The Appellant testified that she reported to the Respondent she was employed by [REDACTED]. Because the Appellant reported that she was employed with a new source of income at the time of her EA application, per policy she is required to provide verification of that income for her SNAP benefit.

CONCLUSION OF LAW

Because the Appellant reported a new source of income at the time of application for Emergency Assistance benefits, policy required the Appellant to submit verification of household income for ongoing SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Department's decision to process of the Appellant's pended verification for her SNAP benefit.

ENTERED this ____ day of November 2019.

Danielle C. Jarrett
State Hearing Officer