



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

**Bill J. Crouch  
Cabinet Secretary**

**BOARD OF REVIEW  
Raleigh County District  
407 Neville Street  
Beckley, WV 25801**

**Jolynn Marra  
Interim Inspector General**

January 9, 2019

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.:18-BOR-2894

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,

Kristi Logan  
State Hearing Officer  
Member, State Board of Review

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

cc: Jennifer Mynes, Customer Service Center

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

██████████,

**Appellant,**

v.

**Action Number: 18-BOR-2894**

**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 3, 2019, with an appeal filed on December 10, 2018.

The matter before the Hearing Officer arises from the December 10, 2018, decision by the Respondent to increase the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits effective January 2019.

At the hearing, the Respondent appeared by Jennifer Mynes, Economic Service Supervisor. The Appellant appeared *pro se*. Both witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Notice of Decision dated December 10, 2018
- D-2 Paystub dated November 8, 2018 from ██████████
- D-3 Email from ██████████ County District Office to the Customer Service Center dated December 11, 2018
- D-4 Case Comments from October 2018 through December 2018
- D-5 West Virginia Income Maintenance Manual §10.4.3
- D-6 Fax Transmittal Record for November 9, 2018, from ██████████ ██████████

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 October 4, 2018, the Appellant reported to the Respondent's Customer Service Center that her hours of employment had decreased and that her husband, [REDACTED] had returned to work (Exhibit D-4).
- 3) Verification of the Appellant's reduction in hours of employment and verification of [REDACTED] earnings were received and SNAP benefits were reduced effective November 2018 (Exhibit D-4).
- 4) The Appellant submitted a SNAP redetermination form via inROADS on October 25, 2018, and completed a telephone interview on November 15, 2018 (Exhibit D-4).
- 5) Based on the paystubs submitted with the SNAP redetermination, the Appellant's SNAP benefits increased effective December 2018 (Exhibit D-4).
- 6) On December 7, 2018, the Appellant submitted a copy of her husband's November 8, 2018 paystub to the [REDACTED] County district office (Exhibit D-3).
- 7) A handwritten statement on the November 8 paystub advised that [REDACTED] would receive no further paychecks from this employer (Exhibit D-3).
- 8) The Appellant's SNAP benefits were increased effective January 2019.
- 9) The Appellant requested an increase in her SNAP allotment for December 2018 due to her husband's loss of employment.

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual §10.4.3.A.1 states for a reported decrease in income of \$100 or more, the increase in SNAP benefits must be effective no later than the month following the month in which the change is reported. When the change is reported after the system deadline, supplemental benefits must be issued and received by the 10th of the following month. The supplemental benefits are issued based upon the date the information is reported, regardless of whether the report is timely.

## **DISCUSSION**

Pursuant to policy, SNAP benefits are increased the month following the month that a decrease in income is reported. The Appellant reported a loss of employment for her husband to the Respondent on December 7, 2018, and SNAP benefits were increased effective January 2019.

The Appellant contended that she contacted the Respondent in November regarding her husband's loss of employment, and therefore should receive additional SNAP benefits for December. The Appellant testified that she called the [REDACTED] County office for weeks and sent several faxes in an attempt to report the loss of employment. The Appellant provided a fax log dated November 9, 2018, documenting that ten (10) pages were faxed on behalf of [REDACTED] from [REDACTED] to the [REDACTED] County office (Exhibit D-6).

The Respondent purported that the Appellant completed a telephone interview on November 15, 2018, for a SNAP redetermination and the loss of employment was not reported at that time. The Respondent argued that anything that was faxed to the [REDACTED] County office was in conjunction with the SNAP redetermination, and not a report of the loss of income.

Although the Appellant alleged that she reported the reduction in income to the Respondent in November 2018, there is no evidence to support the Appellant's claim that her husband's loss of income was reported prior to December 7, 2018. The fax log from November 9, 2018 acknowledges that a fax was sent to the [REDACTED] County office, however, what that fax contained is unknown.

The Respondent acted in accordance with policy in increasing the Appellant's SNAP allotment effective January 2019, the month after the decrease in income was reported.

## **CONCLUSIONS OF LAW**

- 1) Pursuant to policy, SNAP benefits are increased the month following the month that a decrease in income is reported.
- 2) The Appellant reported a loss of employment for her husband to the Respondent in December 2018, and SNAP benefits were increased effective January 2019.
- 3) The Appellant is not entitled to additional SNAP benefits for December 2018.

## **DECISION**

It is the decision of the State Hearing Officer to uphold the decision of the Respondent to increase the Appellant's Supplemental Nutrition Assistance Program benefits effective January 2019.

**ENTERED this 9<sup>th</sup> day of January 2019.**

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**Kristi Logan  
State Hearing Officer**