



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

January 30, 2020

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 20-BOR-1030

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: Peter VanKleeck, BCF, [REDACTED] Co. DHHR

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

██████████,

Appellant,

v.

ACTION NO: 20-BOR-1030

**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 28, 2020, on an appeal filed January 2, 2020.

The matter before the Hearing Officer arises from the December 19, 2019 decision by the Respondent to reduce the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Peter VanKleeck, Family Support Services Supervisor. The Appellant appeared *pro se*. The witnesses were sworn, and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Screen print from the Appellant's eRAPIDS case: Data Exchange – Unemployment Compensation Details, dated November 12, 2019
- D-3 Screen print from the Appellant's eRAPIDS case: SNAP Budget for December 2019
- D-4 Screen print from the Appellant's eRAPIDS case: SNAP Budget for January 2020
- D-5 Notice (EDR1) of SNAP reduction, dated December 19, 2019
- D-6 West Virginia Income Maintenance Manual (WV IMM) Chapter 4, §4.4.3
- D-7 West Virginia Income Maintenance Manual (WV IMM) Chapter 4, Appendix A

Appellants' Exhibits:

- A-1 Rental Agreement (Month-To-Month) dated December 2, 2019

- A-2 [REDACTED] Student Detail Schedule, dated January 21, 2020
- A-3 Signed statement from [REDACTED], dated January 23, 2020
- A-4 Frontier internet bill, dated January 12, 2020
- A-5 Protel prepaid wireless phone receipt, dated November 3, 2019
- A-6 [REDACTED] bill, dated January 13, 2020; [REDACTED] Public Service Sewer District bill, dated January 14, 2020

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 as an Assistance Group (AG) of one (1) on August 12, 2019.
- 2) Based on zero income, no reported utility expense, and a shelter cost of \$300 per month, the Appellant received \$194 per month in SNAP benefits. (Exhibit D-3)
- 3) On November 12, 2019, the Respondent received a data exchange alert regarding the Appellant's receipt of Unemployment Compensation Income (UCI) benefits beginning October 2019. (Exhibit D-2)
- 4) On December 19, 2019, the Respondent included the UCI to the Appellant's SNAP case resulting in a reduction to his monthly SNAP allotment.
- 5) Notice was issued to the Appellant by letter dated December 19, 2019, explaining the SNAP reduction to \$16 per month beginning January 2020. (Exhibit D-5)
- 6) In January 2020, the Appellant submitted a PRC-2 (interim contact form) reporting an increase in rent along with a heating/cooling expense.

APPLICABLE POLICY

WV IMM, Chapter 6, §6.1.2, *IEVS Data Exchanges*, in part, explains that the IEVS (Income and Eligibility Verification System) provides the DHHR with additional sources of information for use in determining eligibility and the amount of the benefit for applicants and clients. This information is provided to the worker through data exchanges. Through the eligibility system, DHHR staff receive information obtained through data exchanges with other governmental agencies.

WV IMM §10.4.2.B, *Required Changes for SNAP AGs*, mandates action be taken for all AGs when information is received from a source that is considered verified upon receipt. Verified upon receipt sources are not subject to independent verification and the provider is the primary source

of the information. Unemployment Compensation (UC) and work registration data from WorkForce West Virginia are considered sources not subject to independent verification.

WV IMM, Chapter 4, §4.4.2, explains the various items which may be used as income deductions to arrive at a SNAP AG's countable income. Specifically, §4.4.2.C.1 explains that the Standard Utility Allowance (SUA) includes fixed deductions that are adjusted yearly to allow for fluctuations in utility expenses. These deductions are the Heating/Cooling Standard (HCS), the Non-Heating/Cooling Standard (NHCS), and the One Utility Standard (OUS).

WV IMM, Chapter 4, §4.4.2.A, in part, directs that when a client fails to report household expenses that would normally result in a deduction, the AG loses their entitlement to that deduction. They have a right to the expense, once it is reported and verified, if required by policy.

WV IMM, Chapter 4, §4.4.3.B, sets forth the steps used to determine countable income.

WV IMM, Chapter 10, §10.4.3.A.2, *All Other Changes*, directs that those changes other than an addition of an AG member or a decrease in income of \$100 or more which result in an increase in benefits, are made as follows.

- If the next issuance date is more than 10 days after the date the change is reported, the change is effective the month following the report month.
- If the next issuance date is within 10 days of the date the change is reported, the change is effective two months after the report month. The ten-day period includes the date of the report and takes the staggered benefit issuance date into consideration.

DISCUSSION

The Appellant applied for SNAP benefits on August 12, 2019 and received monthly SNAP benefits of \$194 based upon zero income, shelter costs of \$300 per month and no reported utility expenses. On November 12, 2019, the Respondent's worker received a data exchange alert showing weekly UCI of \$252 issuing to the Appellant beginning October 2019. The Respondent's worker entered the UCI on December 19, 2019, resulting in a reduction of the Appellant's monthly SNAP allotment to \$16 beginning January 2020. The Respondent notified the Appellant of the reduction by letter dated December 19, 2019. The Appellant appealed the Respondent's decision.

Policy directs that UCI information received through the state's data exchange system is verified upon receipt and must be acted upon by the worker. The Appellant did not contest the amount of the UCI. Instead, the Appellant contended that his SNAP benefits needed to remain the same because his UCI benefits just cover his expenses. The Appellant testified that he moved in the month of December and offered verification of his rent agreement, electric bill, sewer bill, internet bill, and a receipt for his prepaid cell phone bills as evidence of the expenses he is required to pay. Additionally, the Appellant testified that he must pay car insurance.

Policy does not allow for a dollar-for-dollar amount deduction for utility expenses. Instead, there are fixed deductions that are adjusted yearly to allow for fluctuations in utility expenses. An individual who has a heating/cooling expense is eligible for the highest SUA deduction allowed,

the Heating/Cooling Standard (HCS), followed by the Non-Heating/Cooling Standard (NHCS), and then One Utility Standard (OUS).

The evidence presented at the hearing did show the Appellant's rent expense increased in December, and that he may be eligible for a SUA deduction. The Respondent's representative acknowledged that the Appellant reported an increase in his shelter cost and responsibility for utility expenses on a PRC-2 form submitted in January 2020. Pursuant to policy, if a client fails to report household expenses that would normally result in a deduction, the AG loses their entitlement to that deduction until it is reported (and verified if required by policy). Changes that increase a SNAP allotment are not made effective until the following month or following two months, dependent upon when the expenses are reported. As the Appellant did not report the changes until January on his PRC-2, they will not be effective until the next issuance month, February 2020.

Because state data exchange information regarding UCI benefits is considered verified upon receipt and must be acted upon, the Respondent correctly added the Appellant's UCI benefits to his SNAP case. Because the reported changes in rent and utility expenses were not reported until January 2020, they do not affect the Appellant's SNAP allotment until February 2020. The Respondent's decision to reduce the Appellant's January 2020 SNAP allotment is affirmed.

CONCLUSIONS OF LAW

1. State Data Exchange information received for UCI is considered verified upon receipt and must be acted upon by the Respondent's worker.
2. The Respondent received a state data exchange alert on November 12, 2019.
3. The Respondent added the Appellant's UCI to his SNAP benefit case on December 12, 2019, resulting in a reduction to his January 2020 monthly allotment.
4. The Appellant's change in rent and utility expenses were not reported until January 2020 and do not affect his January 2020 SNAP allotment.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Respondent's decision to reduce the Appellant's monthly SNAP benefit allotment.

ENTERED this 30th day of January 2020.

Lori Woodward, State Hearing Officer