



**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**

July 16, 2020

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 20-BOR-1804

Dear Mr. [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: Heather Keffer, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 20-BOR-1804

**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 July 14, 2020, on an appeal filed June 24, 2020.

The matter before the Hearing Officer arises from the June 15, 2020, decision by the Respondent to deny the Appellant's application for Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Darlene Watkins, Economic Service Worker. The Appellant appeared *pro se*. Appearing as a witness was the Appellant's wife, ██████████. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Paystubs from ██████████ dated April 1 and April 15, 2020
- D-2 Verification Checklist dated April 16, 2020
- D-3 Verification Checklist dated May 29, 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 was a recipient of SNAP benefits.
- 2) In April 2020, the Respondent received an online data exchange notification that the Appellant's Unemployment Compensation Income (UCI) had ended due to earnings.
- 3) The Respondent issued a verification checklist to the Appellant on April 16, 2020, requesting that paystubs for the Appellant be submitted no later than April 27, 2020 (Exhibit D-2).
- 4) The Appellant's SNAP benefits were terminated effective May 31, 2020, when the requested information had not been received.
- 5) The Appellant reapplied for SNAP benefits on May 28, 2020.
- 6) The Respondent issued a verification checklist to the Appellant on May 29, 2020, requesting paystubs received from April 28 through May 27, 2020, proof of monthly rental obligation and Social Security cards for the household by June 11, 2020 (Exhibit D-3).
- 7) The Respondent subsequently verified the household's Social Security numbers through an online data exchange with the Social Security Administration.
- 8) The Respondent received the Appellant's lease agreement and paystubs dated April 1 and April 15, 2020 on May 29, 2020 (Exhibit D-1).
- 9) The Respondent denied the Appellant's application on June 15, 2020 when the requested paystubs had not been received.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §1.4.1.A states if an applicant fails to provide the verifications requested on the DFA-6 or verification checklist within the specified time limit and the application is denied, the assistance group (AG) must be given an opportunity to have its eligibility established for up to 60 days from the date of application without completion of a new form. If the client brings in the verifications before the 60-day period has expired, the Worker determines the AG's eligibility based on the original application, noting in Case Comments any changes which have occurred since the form was completed. If the application is approved, SNAP benefits are not retroactive to the date of application because the approval delay was the fault of the client. Benefits are issued from the date the client provides the verification. The Worker provides benefits using information reported during the original application and any other pertinent information provided prior to approval.

West Virginia Income Maintenance Manual §10.4.2.B.4 states unclear information is any information received from any source with which the Worker cannot readily determine the effect

of the reported information on the household's benefit. The Worker must pursue clarification and require verification of unclear information related to these reported changes. Additional information requested from the applicant is due 10 calendar days from the date of the DFA-6 or verification checklist.

West Virginia Income Maintenance Manual §1.4.1.G states a SNAP assistance group (AG) can be reinstated from the date the household provides the information and/or necessary verification without a new application when they meet the following conditions:

- The SNAP benefits must be in closed status,
- The SNAP AG has at least one full month remaining in the certification period after the last month benefits are received,
- The SNAP AG must report and verify a change in circumstances during the 30 days following the last month benefits are received, and
- The SNAP AG must be eligible for SNAP benefits during the reinstatement month and the remaining months of the certification period.

West Virginia Income Maintenance Manual §4.4.1.B states to anticipate income using past income, the amount of income received by all persons in the Income Group (IG) in the 30 calendar days prior to the application/redetermination date, or interview date when the interview is completed on a different day than when the application is received is used. The appropriate time period is determined by counting back 30 days beginning with the calendar day prior to the date of application/redetermination. However, if the interview is completed on a different day than when the date the application/redetermination is received, the 30-day look-back period could begin the day before the interview date. The income from this 30-day period is the minimum amount of income that must be considered. When, in the Worker's judgment, future income may be more reasonably anticipated by considering the income from a longer period of time, the Worker considers income for the time period he determines to be reasonable. Whether the Worker considers income from the prior 30 days, or from a longer period of time, all of the income received from that source during that time period must be considered. All pay periods during the appropriate time period must be considered and must be consecutive.

West Virginia Income Maintenance Manual §10.4.2.B.1 states action must 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. Sources considered verified upon receipt include Unemployment Compensation and work registration data from WorkForce West Virginia.

West Virginia Income Maintenance Manual §7.2.3 states refusal to cooperate, failure to provide necessary information, or failure to sign authorizations for release of information, provided the client has access to such information and is physically and mentally able to provide it, may result in one of the following:

- Denial of the application
- Closure of the assistance group (AG)

- Determination of ineligibility
- Disallowance of an income deduction or an incentive payment

DISCUSSION

Pursuant to policy, if an applicant fails to provide the verifications requested on the verification checklist within the specified time limit, the SNAP application is denied. If an applicant provides the requested information within sixty (60) days of the date of application, eligibility is established on the date the verification is provided without completion of a new application.

The Appellant reapplied for SNAP benefits on May 28, 2020. The Respondent issued a verification checklist on May 29, 2020, requesting paystubs for the Appellant that were received between April 28 and May 27, 2020 by June 11, 2020. The Appellant provided paystubs for April 1 and April 15, 2020 however, the Respondent denied the Appellant's application on June 15, 2020 when the requested paystubs had not been received.

The Appellant's wife, [REDACTED], testified that she mailed paystubs to the Respondent when requested in April 2020 and delivered the Appellant's most recent paystubs to the [REDACTED] County office on May 29, 2020. Ms. [REDACTED] stated they reapplied for SNAP on May 28, 2020 when she did not receive a response regarding the submission of the paystubs in April 2020.

Policy requires verification of income received by an applicant during the thirty days prior to the date of application. The income verification provided by the Appellant was outside of the thirty-day period of consideration, and therefore could not be used to determine SNAP eligibility. Although the Appellant and his wife contended that they provided the Appellant's most recent paystubs to the [REDACTED] County office as requested, the paystubs that were date-stamped as received on May 29, 2020 were paystubs for April 1 and April 15, 2020, which were the paystubs that were requested in April 2020, prior to case closure.

Whereas the Appellant failed to provide the information requested by the Respondent by the due date, eligibility for SNAP benefits could not be established.

CONCLUSIONS OF LAW

- 1) Pursuant to policy if an applicant fails to provide the verifications requested on the verification checklist within the specified time limit, the SNAP application is denied.
- 2) The Respondent requested verification of the Appellant's paystubs that were received between April 29 and May 27, 2020 be provided by June 11, 2020.
- 3) The Appellant provided paystubs for April 1 and April 15, 2020 on May 29, 2020.
- 4) The Respondent denied the Appellant's application on June 15, 2020 when the requested information had not been received.

- 5) The Respondent correctly denied the Appellant's application for failure to verify the requested income.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to deny the Appellant's application for Supplemental Nutrition Assistance Program benefits.

ENTERED this 16th day of July 2020.

**Kristi Logan
State Hearing Officer**