



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Bill J. Crouch
Cabinet Secretary

Jolynn Marra
Interim Inspector General

October 20, 2020

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 20-BOR-2144

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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

Cc Misty Cork, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 20-BOR-2144

**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 7, 2020, on an appeal filed September 11, 2020.

The matter before the Hearing Officer arises from the September 14, 2020 decision by the Respondent to disallow a shelter deduction for Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Misty Cork, Economic Services Supervisor, WVDHHR. 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 West Virginia Income Maintenance Manual Chapter 1.2
- D-3 Verification Checklist dated August 17, 2020
- D-4 SNAP denial letter dated September 1, 2020
- D-5 Employment Statement
- D-6 SNAP approval letter dated September 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 submitted an application for Supplemental Nutrition Assistance Program (SNAP) benefits on August 4, 2020.
- 2) The Respondent's worker interviewed the Appellant as part of the application process on August 17, 2020.
- 3) The Appellant's SNAP application was pended for verification of income and shelter costs (D-3).
- 4) The Appellant failed to provide the verification by August 28, 2020 and the SNAP application was denied (D-4)
- 5) The Appellant submitted income verification on September 8, 2020 and the SNAP application was approved (D-5 and D-6).
- 6) The Appellant did not provide verification of her shelter expense, so no SNAP deduction was allowed for shelter costs.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 4.4.2.A states that when a client fails to report household expenses that would normally result in a deduction, the Assistance Group loses the entitlement to that deduction. They have a right to the expense, once it is reported and verified, if required by policy.

DISCUSSION

Policy states that when a client fails to report household expenses that would normally result in a deduction, the Assistance Group loses the entitlement to that deduction. The Assistance Group has a right to the expense, once it is reported and verified, if required by policy.

The Appellant testified that she e-mailed a copy of her shelter costs to the Respondent. However, the Respondent's witness, Misty Cork, stated that there is no record of the e-mail being received. Ms. Cork testified that the Appellant could provide the shelter cost verification to receive a deduction effective November 2020.

CONCLUSIONS OF LAW

- 1) Policy states that a SNAP Assistance Group has a right to a deduction for an expense once the expense is verified.
- 2) The Appellant was approved for SNAP benefits effective September 8, 2020.
- 3) The Appellant did not verify her shelter expense.
- 4) As the verification was not received, no deduction for shelter costs was allowed when calculating the Appellant's SNAP allotment.
- 5) The Respondent acted correctly in disallowing a shelter deduction for SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to disallow a deduction for shelter costs when calculating the Appellant's SNAP allotment.

ENTERED this 20th Day of October 2020.

Pamela L. Hinzman
State Hearing Officer