



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

Bill J. Crouch
Cabinet Secretary

Board of Review
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Jolynn Marra
Interim Inspector
General

July 27, 2021

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 21-BOR-1734

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 Board of Review 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 that may be taken if you disagree with the decision reached in this matter.

Sincerely,

Tara B. Thompson, MLS
State Hearing Officer
State Board of Review

Enclosure: Appellant's Recourse
Form IG-BR-29

cc: Trevor Wayne, [REDACTED] County DHHR

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

████████████████████,

Appellant,

v.

ACTION NO.: 21-BOR-1734

**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' (DHHR) Common Chapters Manual. This fair hearing was convened on July 20, 2021 on an appeal filed with the Board of Review on June 29, 2021.

The matter before the Hearing Officer arises from the Respondent's June 29, 2021 decision to deny the Appellant eligibility for the Supplemental Nutrition Assistance Program (SNAP).

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

Department's Exhibits:

- D-1 eRAPIDS Case Comments, dated May 5 through June 3, 2021
- D-2 eRAPIDS Case Comments, dated June 14 through June 29, 2021
- D-3 eRAPIDS SNAP Budget, determined June 28, 2021

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 following Findings of Fact are set forth.

FINDINGS OF FACT

- 1) The Appellant was a recipient of SNAP benefits for a three-person Assistance Group (AG) that included the Appellant, the Appellant's husband (hereafter [REDACTED]), and [REDACTED] brother (hereafter, [REDACTED]) (Exhibits D-1 through D-3).
- 2) On June 29, 2021, the Respondent issued a notice advising the Appellant that the AG was ineligible for SNAP because the household's net adjusted income of \$2,109.60 exceeded the SNAP \$1,810 income eligibility limit.
- 3) [REDACTED] is a recipient of Supplemental Security Income (SSI). [REDACTED] SSI is paid directly to [REDACTED] (Exhibits D-1 and D-2).
- 4) The Respondent included \$794 monthly SSI unearned income for [REDACTED] when making the AG's SNAP eligibility determination (Exhibit D-1 through D-3).
- 5) On June 1, 2021, the Appellant reported by telephone that [REDACTED] received the Appellant's monthly SSI and that [REDACTED] was not receiving the full amount (Exhibit D-1).
- 6) On June 1, 2021, the Respondent advised the Appellant by telephone to submit a "written statement explaining the details" and a "worker could go over concerns" with her during the review (Exhibit D-1).
- 7) On June 3, 2021, the Appellant completed her SNAP eligibility interview and submitted her earned income paystubs and \$325 monthly shelter-cost verification for [REDACTED] (Exhibit D-1).
- 8) The Respondent's June 3, 2021 case comment reflected, "verification is due on June 13, 2021" (Exhibit D-1).
- 9) On June 14, 2021, the Appellant submitted her \$450 monthly shelter-cost verification (Exhibit D-2).
- 10) On June 29, 2021, the Respondent advised the Appellant by telephone that verification of [REDACTED] monthly SSI would need to be submitted before SNAP eligibility could be re-evaluated (Exhibit D-2).

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WVIMM) §§ 1.2.3.A and 1.2.4 provide in part:

The worker must obtain all pertinent, necessary information through verification, when appropriate. The client's responsibility is to provide complete and accurate

information about her circumstances so that the Worker is able to make a correct determination about her eligibility.

WVIMM §§ 3.2.1.A.2, 3.2.1.A.5, and 3.2.2 provide in part:

Spouses are individuals who are legally married to each other under provisions of state law. Individuals who purchase food and prepare meals together, is an AG. “Customarily” means purchasing food and preparing meals more than 50% of the time.

The income group includes all AG members and all individuals who live with the AG and would otherwise be included in the AG if not ineligible, disqualified, or excluded by law.

WVIMM §§ 10.2.1 and 10.4.2 provide in part:

The client must report changes related to eligibility and benefit amount at application and redetermination. All changes reported directly by an AG member must be acted on. When reported information results in a change in 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 advance notice. Each reported change is evaluated independently for the appropriate action to be taken.

WVIMM §§ 7.2.1, 7.2.3, 7.2.4, 7.3, 7.3.42, 9.2, and 9.2.A provide in part:

For SNAP, unearned income must be verified when a change in the source or amount is reported. All income used in calculating eligibility and the amount of the benefit must be verified. For SNAP only, the change in income amount must be more than \$100 for verification to be required. Possible sources of verification may include an award letter, computer matches, written statement from the source, written statement from contributor, or eligibility system data exchanges. Use the best source of verification available. When there is absolutely no other source of verification, the client’s statement must be used.

Verification of a client’s statement is required when information is inconsistent with other information provided, inconsistent with the information in the case file, inconsistent with information received by the DHHR from other sources, incomplete, obviously inaccurate, or outdated.

The Worker has the responsibility at redetermination and any time the Worker receives information about the SNAP AG during the certification period that requires additional clarification or verification, to issue a DFA-6, Notice of Information Needed. The date of entered in the DFA-6 must be 10 days from the

date of issuance. The Worker must list all required verification known at the time, accept any reasonable documentary evidence, and must not require a specific kind or source of verification. The Worker must not request verification if the case record shows that verification has previously been supplied. Verification may be submitted in person, by mail, by fax, or electronically.

The primary responsibility for providing verification rests with the client. IT is an eligibility requirement that the client cooperate in obtaining necessary verifications. The client is expected to provide information to which he has access and to sign authorizations needed to obtain other information. Failure of the client to provide necessary information or to sign authorizations for release of information results in denial of the application or closure of the active case.

DISCUSSION

The Respondent determined that the Appellant was ineligible for SNAP due to the household's income surpassing the SNAP income eligibility guidelines for a three-person AG. The Appellant contested the amount of income used to determine the AG's SNAP eligibility. The Appellant argued that [REDACTED] only receives a portion of the SSI monthly amount considered by the Respondent. The Respondent argued that the Appellant failed to submit required verification to establish that [REDACTED] monthly SSI was less than the SSI amount considered when determining the AG's SNAP eligibility.

The Respondent bears the burden of proof and had to prove by a preponderance of evidence that [REDACTED] income was correctly calculated when determining the Appellant's SNAP eligibility. Further, the Respondent had to prove that the Appellant failed to submit [REDACTED] income verification as required.

The Appellant contended that the Respondent had been previously notified of [REDACTED] status recipient of [REDACTED] SSI and that the Assistance Group's SNAP eligibility was subsequently approved during the SNAP certification period based on [REDACTED] reduced SSI amount. The Respondent argued that verification of [REDACTED] income was not received prior to the June 29, 2021 denial of SNAP eligibility. The Respondent testified that the Appellant had verified the amount of income and rent during the review and that a verification checklist could not be sent regarding the amount of [REDACTED] income because eligibility had already been determined and denied.

The evidence reflected that the Respondent considered \$1,570 monthly employment earned income and \$1,119 monthly gross unearned income to determine SNAP eligibility for a three-person AG. During the hearing, the Respondent testified that \$794 monthly SSI for [REDACTED] was included in the eligibility determination and [REDACTED] \$325 rent expense paid to [REDACTED] was considered as income for [REDACTED]. The evidence failed to corroborate the amount of income verified for the AG.

The policy specifies that when reported information is questionable, verification of a client's statement is required. Pursuant to the policy, unearned income must be verified when a change in the source or amount is reported and additional verification is necessary to determine eligibility. The policy provides that all changes reported directly by an AG member must be acted on. When reported information results in a change in benefits and additional or clarifying information is needed, the Respondent is required to first request the information by using the DFA-6 or verification checklist. The June 3, 2021 case comment reflected that the Appellant should provide a written statement of her concerns and the June 3, 2021 case comment reflected that verification was due on June 13, 2021. However, neither comment specified that verification of AG's income had been requested in writing.

The policy specifies that the due date for requested verification information must be 10 days from the date of issuance. The evidence failed to verify the Respondent had ever issued a written request for verification of the amount of monthly SSI received by [REDACTED]. Further, the evidence reflected that the Respondent did not make a verbal request for [REDACTED] income verification until June 29, 2021. As the Appellant reported on June 1, 2021 that [REDACTED] SSI amount was inconsistent with the Respondent's record, the Respondent was required to issue a written request for verification at the time of the Appellant's June 1, 2021 report. Because the Respondent failed to request [REDACTED] income verification and provide the Appellant with a date by which the information was due, the Respondent's decision to include \$794 monthly SSI when calculating the AG's monthly income for SNAP eligibility was incorrect. Without reliable evidence to verify the amount of the AG's income, this Hearing Officer cannot discern whether the Respondent correctly calculated the AG's income when determining SNAP eligibility.

CONCLUSIONS OF LAW

- 1) The Respondent may deny the AG's SNAP eligibility when the AG's income exceeds SNAP income eligibility guidelines.
- 2) When reported information results in a change in benefits and additional or clarifying information is needed, the Respondent is required to first request the information by using the DFA-6 or Notice of Information Needed. The due date for verification information requested must be 10 days from the date of issuance.
- 3) The preponderance of evidence failed to prove that the Respondent issued a Notice of Information Needed to verify the amount of the AG's income.
- 4) As the evidence failed to verify the amount of the AG's income, the Respondent's action to deny the Appellant's SNAP eligibility —based on the AG's income exceeding SNAP eligibility guidelines— cannot be affirmed.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's decision to deny the Appellant's SNAP eligibility. The matter is **REMANDED** for issuance of a verification checklist and reconsideration of the Appellant's SNAP eligibility based on the income verification provided by the Appellant.

ENTERED this 27th day of July 2021.

Tara B. Thompson, MLS
State Hearing Officer