



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

**Bill J. Crouch  
Cabinet Secretary**

**BOARD OF REVIEW  
Berkeley County DHHR  
PO Box 1247  
Martinsburg, WV 25402**

**Jolynn Marra  
Interim Inspector General**

**Si usted tiene preguntas, por favor llame a  
Keyla Dominquez, 304-267-0100**

September 29, 2021

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 21-BOR-1984

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, J.D.  
Certified 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: 21-BOR-1984**

**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 September 22, 2021, on an appeal filed August 25, 2021.

The matter before the Hearing Officer arises from the July 28, 2021 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 Supplemental Nutrition Assistance Program (SNAP) – 6 or 12 month contact form (PRC2) returned on March 30, 2021
- D-3 Notice (EDC1) of SNAP reduction, dated July 28, 2021
- D-4 West Virginia Income Maintenance Manual (WV IMM) Chapter 10, §10.4.2.B
- D-5 West Virginia Income Maintenance Manual (WV IMM) Chapter 4, Chart 1 #73
- D-6 West Virginia Income Maintenance Manual (WV IMM) Chapter 4, Chart 1 #85

**Appellants' 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 Hearing Officer sets forth the following Findings of Fact.

### **FINDINGS OF FACT**

- 1) The Appellant completed a 6 or 12 month SNAP review form which was received by the Respondent on March 30, 2021. (Exhibit D-2)
- 2) The Respondent received notification from the State On-Line Query (SOLQ) database and its State Data Exchange (SDX) database that the Appellant began receiving Social Security Retirement, Survivors and Disability Insurance (RSDI) income and Supplemental Security Income (SSI). (Exhibit D-1)
- 3) On July 28, 2021, the Respondent included the Appellant's SSI of \$389 and RSDI of \$425 income to his benefits case, which resulted in a reduction of his monthly SNAP allocation.
- 4) Notice was issued to the Appellant by letter dated July 28, 2021, explaining the SNAP reduction to \$39 per month beginning September 1, 2021. (Exhibit D-3)

### **APPLICABLE POLICY**

Action must be taken for all Assistance Groups (AG) when information is received from a source that is considered verified upon receipt. Verified upon receipt sources are not subject to independent verification. Sources considered verified upon include State Data Exchange (SDX) from the Social Security Administration (SSA) and State On-Line Query (SOLQ). (WV IMM, Chapter 10, §10.4.2.B.1)

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. (WV IMM, Chapter 4, §4.4.2.A)

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

### **DISCUSSION**

The Appellant is a recipient of SNAP benefits. He returned a 6 or 12 month contact form to the Respondent on March 30, 2021, reporting no income or shelter/utility expenses. On July 28, 2021, the Respondent sent notification of a reduction to the Appellant's SNAP benefits based upon an income reported through the SDX and SOLQ databases. The Appellant appeals the reduction.

Policy directs that information received through the SDX database is verified upon receipt and must be acted upon by the worker. The Respondent's representative, Peter VanKleeck, testified that the Respondent received an alert on April 27, 2021 that the Appellant began receiving SSA benefit of \$349. It is unclear why the Respondent did not add this income to the Appellant's benefit case until July 28, 2021. However, Mr. VanKleeck testified that the amounts of \$425 in

RSDI and \$389 in SSI were confirmed through the databases and added to the Appellant's benefits case which resulted in a reduction of his September 1, 2021 SNAP allotment.

The Appellant does not dispute he began receiving RSDI and SSI or the income amounts used in the calculation of his SNAP benefits. Instead, the Appellant believes he should receive a deduction for his rent payments. It appears through the Appellant's testimony that he tried to report his rent payments sometime in July. The Appellant testified he tried calling his local office worker and left a message and had not received a return call. The Appellant stated he tried to report his rent using the state's website, PATH (Peoples Access To Help), however had difficulty in uploading his information. Mr. Vankleeck did confirm that the Appellant's rent information was successfully uploaded to the PATH website on September 7, 2021. There was no corroborating evidence provided to show that the Appellant reported his shelter expense in a timely manner to affect the September 1, 2021 reduction in his monthly SNAP allotment. 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).

The Respondent showed by a preponderance of evidence it correctly reduced the Appellant's September 1, 2021 monthly SNAP allotment.

### **CONCLUSIONS OF LAW**

1. SDX and SOLQ are considered verified upon receipt and must be acted upon by the Respondent's worker.
2. The Respondent did not process the Appellant's RSDI and SSI income until July 28, 2021.
3. The Appellant did not report his shelter expense in a time to affect the September 1, 2021 reduction in SNAP benefits.
4. The Respondent correctly added the Appellant's RSDI and SSI income resulting in a reduction in his monthly SNAP benefits beginning September 1, 2021.

### **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 29<sup>th</sup> day of September 2021.**

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Lori Woodward, Certified State Hearing Officer