



**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**

January 21, 2021

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 20-BOR-2491

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
Certified State Hearing Officer
Member, State Board of Review

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

cc: Melissa Yost, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 20-BOR-2491

**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 20, 2021, on an appeal filed August 10, 2020.

The matter before the Hearing Officer arises from the July 27, 2020, decision by the Respondent to deny Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Melissa Yost, Economic Service Supervisor. The Appellant appeared by his father, ██████████. The witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Verification of Long-Term Disability Benefits from Hartford Life and Accident Insurance Company dated July 28, 2020
- D-2 Correspondence from ██████████ received November 2, 2020
- D-3 Case Comments from July 13 through November 5, 2020

Appellant's Exhibits:

- A-1 Correspondence from ██████████, M.D. dated January 15, 2021

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 on July 8, 2020.
- 2) A telephone interview was conducted with the Appellant's father and representative, [REDACTED], on July 13, 2020 (Exhibit D-3).
- 3) Mr. [REDACTED] reported that the Appellant was on medical leave from employment and was receiving short-term disability benefits through his employer (Exhibit D-3).
- 4) The Respondent requested verification of the Appellant's disability income.
- 5) The Respondent issued a notice of denial to the Appellant on July 27, 2020 when verification of the Appellant's income had not been received.
- 6) On November 2, 2020, verification of the Appellant's disability income was received by the Respondent (Exhibit D-1).

APPLICABLE POLICY

West Virginia Income Maintenance Manual §7.3 states the source and amount of unearned income must be verified prior to the approval of SNAP benefits.

West Virginia Income Maintenance Manual §1.4.8 states 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.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 §1.4.13 states if the AG fails to provide the information requested on a DFA-6, verification checklist or an electronic signature within the 30-day processing time limit but provides it within 60 days of the original application date, the date of eligibility is the date the information was provided.

DISCUSSION

Pursuant to policy, verification of unearned income is required prior to the approval of SNAP benefits. If an applicant does not provide verification of unearned income at application, a verification checklist is issued allowing the applicant ten (10) days to provide the requested information. If an applicant fails to provide the requested information, action is taken to deny the SNAP application. If the applicant provides the requested information within sixty (60) days of the date of application, eligibility is determined based upon the original application and SNAP benefits are issued beginning with the date the information was received.

The Appellant applied for SNAP benefits on July 8, 2020 and verification of his disability benefits was requested by the Respondent on or around July 13, 2020. The Appellant's application was denied on July 24, 2020, when verification of the Appellant's income had not been received.

Subsequent to the denial, verification of the Appellant's income was submitted to the Respondent on November 2, 2020. The Respondent contended that because the income verification was received past the 60-day time limit allowed by policy, SNAP benefits for the Appellant could not be approved without a new application.

The Appellant's father testified that he was unaware of the 60-day time limit and purported that he had requested income verification from the insurance company providing the Appellant's disability benefits and provided the verification to the Respondent once it was received.

Whereas verification of the Appellant's income was not received within 60 days of the date of the original SNAP application, SNAP eligibility could not be determined without a new application. The Respondent's denial of the Appellant's application for SNAP benefits is affirmed.

CONCLUSIONS OF LAW

- 1) Policy requires that requested verifications must be provided within 60 days of the date of the SNAP application.
- 2) The Appellant applied for SNAP benefits on July 8, 2020.
- 3) Verification of the Appellant's income was not provided until November 2, 2020.
- 4) The Appellant must reapply for SNAP benefits as income verification was received after the 60-day deadline.

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 21st day of January 2021.

Kristi Logan
Certified State Hearing Officer