



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

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Board of Review
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Jolynn Marra
Inspector General

June 14, 2022

[REDACTED]
[REDACTED]
[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 22-BOR-1565

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 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: David Griffin, [REDACTED] DHHR

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

██████████,

Appellant,

v.

ACTION NO.: 22-BOR-1565

**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 of Chapter 700 of the West Virginia Department of Health and Human Resources' (DHHR) Common Chapters Manual. This fair hearing was convened on May 3, 2022 on an appeal filed with the Board of Review on April 25, 2022.

The matter before the Hearing Officer arises from the Respondent's April 15, 2022 decision to reduce the amount of the Appellant's monthly Supplemental Nutrition Assistance Program (SNAP) benefit allotment.

At the hearing, the Respondent appeared by David Griffin, ██████████ DHHR. The Appellant appeared *pro se*. All witnesses were sworn in and the following exhibits were entered as evidence.

Department's Exhibits:

- D-1 DHHR Notice, dated April 15, 2022
- D-2 Email correspondence, dated April 12, 2022
- D-3 West Virginia Income Maintenance Manual Desk Guide for SNAP

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, her daughter [REDACTED] and her fifteen-year-old son Child [REDACTED] (Exhibit D-1).
- 2) On April 15, 2022, the Respondent issued a notice advising that the amount of the Appellant's monthly SNAP allotment would decrease from \$658 to \$459 because the number of persons in the AG had decreased (Exhibit D-2).
- 3) On April 12, 2022, Child Protective Services Worker Brandi Baker (hereafter, Ms. Baker) notified the Respondent in writing that Child [REDACTED] resided with his maternal grandparents and was not a member of the Appellant's household (Exhibit D-2).

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WVIMM) §§ 10.2.1, 10.4.2, 10.4.2.B.1 provide in pertinent parts:

The need for case maintenance originates from many sources — including the client, an individual acting for the client, and information from other offices or bureaus within the DHHR.

All changes reported directly by an assistance group (AG) member or from a source that is listed as verified upon receipt below must be acted on, even if the AG is not required to report the information.

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.

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. Information obtained from a social service worker, child welfare information system provider, and client detail data exchanges are considered verified upon receipt.

DISCUSSION

The Respondent removed Child [REDACTED] from the Appellant's AG and reduced the amount of the Appellant's monthly SNAP benefit allotment. The Appellant contested the reduction and argued that Child [REDACTED] was only absent from her residence for a period of time and is now a member of the AG.

The Respondent had to prove by a preponderance of the evidence that Child [REDACTED] was correctly removed from the Appellant's AG. The Appellant did not contest the Respondent's calculation of the monthly SNAP benefit allotment, only the removal of Child [REDACTED] from the AG.

The Appellant argued that she has custody of Child [REDACTED] and that he stays in her home approximately two weeks per month. The Appellant argued that he lives at her home and he goes back and forth to his grandparents' home. The Appellant testified that at the time that she spoke with Child Protective Services (CPS) Worker Brandi Baker (hereafter, Ms. Baker) that Child [REDACTED] was staying with his grandparents because they facilitated taking him to wrestling. The Appellant testified that she let Child [REDACTED] decide who he wanted to stay with and that he was living with his grandparents the majority of the time for a short period.

The policy requires the Respondent to act on information received from a verified source. Pursuant to the policy, the information received by the Child Protective Services social service worker was a verified source. Because the Respondent received information from a verified source that child [REDACTED] was not a member of the Appellant's household, the Respondent was required to act on the information. The evidence verified that the Respondent's act to reduce the amount of the AG's monthly SNAP benefit allotment was correct.

During the hearing, the Appellant reported a change in her household composition had occurred since Ms. Baker's reported change to the Respondent. Because the Appellant reported a change in her household composition and reported that Child [REDACTED] is back in her residence, the Respondent should act on the reported change according to the policy and seek verification of the change if required by the policy.

CONCLUSIONS OF LAW

- 1) When information is received from a source that is considered verified upon receipt, the Respondent is required to take action based upon the information received.
- 2) The evidence revealed the Respondent received information from a source — considered as verified upon receipt — that Child [REDACTED], resided with his maternal grandparents and was not a member of the Appellant's household.
- 3) The preponderance of evidence verified that the Respondent correctly removed Child [REDACTED] from the Appellant's AG and reduced the amount of the Appellant's monthly SNAP allotment.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to reduce the amount of the Appellant's monthly SNAP benefit allotment.

ENTERED this 14th day of June 2022.

Tara B. Thompson, MLS
State Hearing Officer