



**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**  
**Inspector General**

July 20, 2022

[REDACTED]

RE: [REDACTED] v. WVDHHR  
ACTION NO.: 22-BOR-1794

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,

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

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

Cc Sarah Rivera, WVDHHR

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

██████████,

**Appellant,**

**v.**

**Action Number: 22-BOR-1794**

**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 July 13, 2022, on an appeal filed June 23, 2022.

The matter before the Hearing Officer arises from the June 6, 2022, decision by the Respondent concerning the Appellant's Supplemental Nutrition Assistance Program (SNAP) allotment.

At the hearing, the Respondent appeared by Sarah Rivera, Economic Service Worker, WVDHHR, and Shantelle Sanders, Economic Service Worker, WVDHHR. The Appellant appeared *pro se*. Appearing as a witness for the Appellant was ██████████, the Appellant's boyfriend. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Case Comments from Respondent's computer system
- D-2 Verification checklist dated May 26, 2022
- D-3 West Virginia Income Maintenance Manual Chapter 7.25
- D-4 Unearned income screen from Respondent's computer system

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 Supplemental Nutrition Assistance Program (SNAP) benefits on May 6, 2022, and was interviewed by the Respondent's worker on May 25, 2022.
- 2) On the date of application, the Appellant was issued a Verification Checklist requesting that she provide verification of her shelter expenses and disability benefits (Exhibit D-2).
- 3) The Appellant provided verification of her income and shelter expense on May 26, 2022.
- 4) The Respondent considered the shelter expense verification incomplete because it did not list a telephone number for the Appellant's landlord.
- 5) The Verification Checklist provided to the Appellant states that shelter and utility expenses can be verified via "current bills, landlord statements, and lease agreements."
- 6) The Appellant was informed that the shelter expense verification was incomplete, and she provided the required documentation with telephone number on June 6, 2022.
- 7) The shelter deduction was not considered when calculating the Respondent's SNAP allotment.
- 8) The Respondent counted the Appellant's disability income from AFLAC received in May 2022 as her anticipated monthly income.
- 9) The Respondent's disability income from AFLAC received in May 2022 covered a 50-day period.
- 10) The Respondent's eligibility for ongoing AFLAC payments was to be reevaluated monthly.

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual Chapter 4.4.2.B provides information concerning allowable deductions for SNAP benefits. These deductions include the earned income disregard of 20 percent, the standard deduction, dependent care deduction, child support deduction, the Homeless Shelter Standard Deduction, allowable medical expenses, shelter expenses and utility expenses.

West Virginia Income Maintenance Manual Chapter 4.4.2.C cites several permissible shelter deductions including rent, mortgage payments, interest on mortgage payments, association fees, property taxes and insurance, and the cost of repairing a home that was damaged due to a natural disaster or misfortune (including, but not limited to, fire, flood, or freezing temperatures).

West Virginia Income Maintenance Manual Chapter 7.25 states that shelter expenses should be verified at each application and redetermination. Acceptable verification must include the name and phone number of the landlord, the obligation amount, and the actual paid amount. Shelter expense verifications do not require a landlord's signature. Acceptable verification is not limited to any single type of document and is obtained from the household or other source. When the customer cannot obtain information from a primary source of verification, the worker can then accept a secondary source. When a customer cannot obtain any verification of shelter expense, it is necessary for the worker to obtain a shelter attestation form from the customer (Exhibit D-3).

West Virginia Income Maintenance Manual Chapter 1.2.1.B states that the worker must provide requested information to all those who have applied for benefits, or who inquire about the requirements for receiving benefits. This information includes a basic explanation of the eligibility requirements and answers to general questions.

West Virginia Income Maintenance Manual Chapter 1.4.9 states the worker must take eligibility determination action on all applications. If eligible, the client's first SNAP benefits must be available for use within 30 days of the date of application, unless expedited service applies.

## **DISCUSSION**

Policy lists several items that can be considered as deductions when calculating countable SNAP income. Among these items are shelter costs. Shelter costs must be verified at application and acceptable verification must include the name and phone number of the landlord, the obligation amount, and the actual paid amount. The worker must provide a basic explanation of eligibility requirements.

The Appellant provided verification of her shelter expense on May 26, 2022, one day after her SNAP application interview, but it did not include her landlord's telephone number as required under a new SNAP verification policy. The Appellant testified that she contacted the Respondent about the shelter expense and requested a policy citation concerning why the telephone number was required. She testified that she was not given the information and was unable to locate the new income maintenance policy online. The Appellant resubmitted the shelter verification with the telephone number on June 6, 2022. The Respondent's representative testified that information concerning how to verify shelter costs was included on the Verification Checklist issued to the Appellant. However, that form simply details methods by which information can be submitted (via mail, fax, in person or e-mail) and states that shelter expense verification can be provided via "current bills or receipts, landlord statements, and lease agreements." There is no mention that a landlord telephone number must be included. The Appellant was unaware that she was required to include the telephone number of her landlord with the shelter verification she provided to the Respondent on May 26, 2022, since the requirement is not included on the Verification Checklist. There was no evidence or testimony to suggest that the information was provided to her by the Respondent's worker during the application.

The Appellant testified that her disability income award letter showed that the income was for a 50-day period and not a 30-day period. The Respondent's representative confirmed during the hearing that the verification does specify a 50-day income period. The Appellant indicated that she

received the disability income in May 2022 only and was required to reapply for it monthly. She stated that she was ineligible for the payments after May 2022. The Appellant provided convincing testimony that she informed the Department she would receive the income in May 2022 and her subsequent eligibility would have to be reevaluated monthly. The Respondent's witness testified that the Department was not informed that the income was evaluated on a month-to-month basis.

The Appellant also testified that she believes the Respondent processed her application in an untimely manner. The Respondent's witness testified that the application was received on May 6, 2022, an interview was completed on May 25, 2022, and the application was approved on June 3, 2022. As the client's first SNAP benefits were available for use within 30 days of the date of application, the Respondent met processing timeline requirements.

Based on information provided during the hearing, the Respondent incorrectly calculated the Appellant's monthly income for May 2022 as her disability payment was meant to cover 50 days instead of 30 days. The Appellant testified that she informed the Respondent during the SNAP application that her subsequent eligibility for disability payments would have to be reevaluated. She stated that she had recorded the telephone application interview and her testimony concerning the recordings was considered. While the Respondent disputed that the disclosure occurred, no award letter was provided during the hearing to address how payments were to be distributed.

The Respondent must review the Appellant's SNAP budget calculation for May 2022 and ongoing, ensuring that a shelter expense was given effective the month of application and that the correct monthly amount of income was counted. The Respondent should recalculate the Appellant's SNAP allotment for June 2022 and ongoing based on information provided by the Appellant concerning the non-receipt of AFLAC payments after May 2022.

### **CONCLUSIONS OF LAW**

- 1) Policy states that certain shelter expenses are considered as allowable deductions in determining countable income for SNAP purposes.
- 2) The Appellant provided verification of her shelter expense on May 26, 2022, and was not informed until June 3, 2022, that she was required to provide the landlord's telephone number with the verification.
- 3) She provided documentation with the telephone number on June 6, 2022.
- 4) As the Appellant was unaware of the telephone number requirement, the requirement is not addressed on the Verification Checklist, and there is no evidence that she was given the information at the time of application, the shelter expense should be allowed beginning May 2022, and the SNAP allotment should be recalculated from May 2022 and ongoing.
- 5) The Appellant's monthly income calculation is incorrect for May 2022, as it is undisputed that the income was meant to cover a 50-day period instead of a 30-day period. Therefore, the income calculation for May 2022 must be reevaluated by the Respondent.

- 6) The Appellant's SNAP allotment for June 2022 and ongoing must be reevaluated based on the Appellant's reported non-receipt of disability income.

### **DECISION**

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's calculation of SNAP benefits. The issue is **REMANDED** to the Respondent for recalculation of the Appellant's SNAP allotment effective May 2022 and ongoing.

**ENTERED this 20th Day of July 2022.**

---

**Pamela L. Hinzman  
State Hearing Officer**