



**STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of the Inspector General  
Board of Review**

**Jeffrey H. Coben, MD  
Interim Cabinet Secretary**

**Sheila Lee  
Interim Inspector General**

June 15, 2023

[REDACTED]

RE: [REDACTED] v. WVDHHR  
ACTION NO.: 23-BOR-1711

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,

Todd Thornton  
State Hearing Officer  
Member, State Board of Review

Encl: Recourse to Hearing Decision  
Form IG-BR-29

cc: Leslie Riddle, Department Representative

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

**IN THE MATTER OF:**

**ACTION NO.: 23-BOR-1711**

[REDACTED],

**Appellant,**

**v.**

**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 [REDACTED]. 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 June 6, 2023, on a timely appeal filed on May 10, 2023.

The matter before the Hearing Officer arises from the May 4, 2023 decision by the Respondent to reduce SNAP benefits due to insufficient verification of a shelter deduction.

At the hearing, the Respondent appeared by Leslie Riddle. The Appellant appeared pro se. All witnesses were sworn and the following documents were admitted into evidence.

**EXHIBITS**

**Department's Exhibits:**

- |     |  |
|-----|--|
| D-1 | Notice of decision, dated May 4, 2023                      |
| D-2 | Lease or rental agreement, dated June 6, 2017              |
| D-3 | West Virginia Income Maintenance Manual, §21.8.4 (excerpt) |
| D-4 | West Virginia Income Maintenance Manual, §7 (excerpt)      |

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

**FINDINGS OF FACT**

- 1) The Appellant is a recipient of SNAP benefits.
- 2) On or about May 1, 2023, the Appellant provided a document to verify his shelter expenses. (Exhibit D-2)
- 3) The Appellant did not provide any additional information to verify his shelter amount prior to May 4, 2023.
- 4) The Appellant did not provide a shelter attestation form to the Respondent prior to May 4, 2023.
- 5) The Appellant's lease or rental agreement (Exhibit D-2) was signed on June 6, 2017.
- 6) The Respondent mailed the Appellant a letter (Exhibit D-1), dated May 4, 2023, indicating his SNAP allotment would be reduced from \$160 per month to \$132 per month because the Appellant "...did not turn in all requested information," and because the Appellant's "...shelter and/or utility costs are less."

**APPLICABLE POLICY**

The West Virginia Income Maintenance Manual (WVIMM), Chapter 4, §4.4, addresses income budgeting and calculation for SNAP.

**WVIMM § 4.4.2 provides in pertinent parts:**

Certain items may be allowed as income deductions to arrive at an AG's countable income...

**WVIMM § 4.4.2.B.7 addresses the shelter deduction, and provides in pertinent parts:**

..

In order to receive a shelter deduction, the expense/obligation must be verified at a minimum of application and redetermination, or when the AG reports a change in shelter expense.

..

**WVIMM § 7.3 provides a table of verification requirements. At item #25, Shelter Expenses, under the column heading “Possible sources of Verification,” this table provides in pertinent parts:**

..

If a lease or rental agreement provided by the customer is older than 1 year, the customer must also complete a shelter attestation form.

..

**WVIMM § 7.2.3 provides in pertinent parts:**

..

Refusal to cooperate, failure to provide necessary information, or failure to sign authorizations for release of information, provided the client has access to such information and is physically and mentally able to provide it, may result in one of the following:

- Denial of the application
- Closure of the assistance group (AG)
- Determination of ineligibility
- Disallowance of an income deduction or an incentive payment

..

**Code of Federal Regulations (CFR) 7 CFR § 273.2(f)(3) provides in pertinent parts (emphasis added):**

*State agency options.* In addition to the verification required in paragraphs (f)(1) and (f)(2) of this section, the State agency may elect to mandate verification of any other factor which affects household eligibility or allotment level, including household size where not questionable. Such verification may be required Statewide or throughout a project area, but shall not be imposed on a selective, case-by-case basis on particular households.

(i) The State agency may establish its own standards for the use of verification, provided that, at a minimum, all questionable factors are verified in accordance with paragraph (f)(2) of this section and that such standards do not allow for inadvertent discrimination. For example, no standard may be applied which prescribes variances in verification based on race, religion, ethnic background or national origin, nor may a State standard target groups such as migrant farmworkers or American Indians for more intensive verification than other households. The options specified in this paragraph, shall not apply in those offices of the Social Security Administration (SSA) which, in accordance with paragraph (k) of this section, provide for the SNAP certification of households containing recipients of Supplemental Security Income (SSI) and social security benefits. The State agency, however, may negotiate with those SSA offices with regard to mandating verification of these options.

**(ii) If a State agency opts to verify a deductible expense and obtaining the verification may delay the household's certification, the State agency shall advise the household that its eligibility and benefit level may be determined without providing a deduction for the claimed but unverified expense.** This provision also applies to the allowance of medical

expenses as specified in paragraph (f)(1)(iv) of this section. **Shelter costs would be computed without including the unverified components...**

### **DISCUSSION**

The Appellant requested a fair hearing to appeal the Respondent's decision to reduce his SNAP benefits due to unverified shelter deduction information. The Respondent must show by a preponderance of the evidence that it correctly reduced the Appellant's SNAP allotment on this basis.

SNAP policy requires verification of shelter expenses for use as an income deduction in determining a household's SNAP monthly allotment. Both policy and Federal regulations require that the SNAP allotment be determined without consideration of a claimed but unverified expense.

The Appellant received SNAP benefits and the Respondent requested verification of the Appellant's shelter deduction to determine the Appellant's SNAP eligibility. The Appellant provided a lease or rental agreement (Exhibit D-2), but the agreement is signed June 6, 2017. The Respondent did not accept this as verification of the Appellant's current rent amount and did not allow it as a shelter deduction. Policy clearly supports the Respondent's action in this case. The Appellant did not provide a more current lease or rental agreement prior to the May 4 decision by the Respondent, nor did the Appellant provide a shelter attestation form, as allowed by policy. When the Respondent disallowed the shelter expense proposed by the Appellant, the SNAP allotment decreased as specified in the adverse notice from the Respondent.

Testimony from the Appellant was found to be rambling, unclear, and entirely unreliable. The Appellant had to be redirected and reminded of the question asked of him on multiple occasions. The Appellant could not reliably provide his own zip code when questioned about his address at the start of the hearing. The USPS zip code search (retrieved June 6, 2023) was used to verify the Appellant's zip code as [REDACTED] for purposes of decision delivery.

Based on the reliable evidence and testimony provided at the hearing, the Respondent correctly reduced the Appellant's SNAP benefits due to an unverified shelter expense.

### **CONCLUSIONS OF LAW**

- 1) Because the Appellant provided shelter verification over one (1) year old, policy required either a newer form of verification or a shelter attestation form.
- 2) Because the Appellant did not provide a newer form of verification or a shelter attestation form, the Respondent must disallow the proposed SNAP income deduction.
- 3) Because the Respondent disallowed the Appellant's shelter deduction, the Respondent must reduce the Appellant's SNAP allotment.

**DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the decision of the Respondent to reduce the Appellant's SNAP allotment due to an unverified shelter deduction.

**ENTERED this \_\_\_\_\_ day of June 2023.**

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**Todd Thornton  
State Hearing Officer**