



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

**Sherri A. Young, DO, MBA, FAAFP
Interim Cabinet Secretary**

**Christopher G. Nelson
Interim Inspector General**

November 16, 2023

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 23-BOR-3200

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: Recourse to Hearing Decision
Form IG-BR-29

cc: Ruth Skinner, WVDHHR

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

[REDACTED]

Appellant,

v.

Action Number: 23-BOR-3200

**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 November 7, 2023.

The matter before the Hearing Officer arises from the October 6, 2023, decision by the Respondent to deny Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Ruth Skinner, Economic Services Supervisor, WVDHHR. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Supplemental Nutrition Assistance Program (SNAP) application submitted to Respondent on August 27, 2023
- D-2 Notice of Decision dated October 6, 2023
- D-3 Fair Hearing Request submitted to Respondent on October 10, 2023
- D-4 Case Comments from Respondent's computer system dated October 5, 2023

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 submitted a Supplemental Nutrition Assistance Program (SNAP) application to the Respondent on August 27, 2023 (Exhibit D-1).
- 2) The Respondent conducted a telephone interview with the Appellant on October 5, 2023, in conjunction with the SNAP application (Exhibit D-4).
- 3) The Respondent sent the Appellant a Notice of Decision on October 6, 2023, indicating that her SNAP application was denied because she is an ineligible student (Exhibit D-2).
- 4) The Appellant is a student at [REDACTED].
- 5) The Appellant performs College Work Study for 10 hours per week.
- 6) The Appellant has no meal plan and lives in an “on-campus” residence owned by the college.
- 7) The “on-campus” residence is a house in the area surrounding the campus.
- 8) The Appellant’s mother provides \$80-\$100 per month to the Appellant to assist with living expenses.

APPLICABLE POLICY

7 Code of Federal Regulations 273.5(a) states the following regarding student eligibility for SNAP benefits:

Applicability. An individual who is enrolled at least half-time in an institution of higher education shall be ineligible to participate in SNAP unless the individual qualifies for one of the exemptions contained in [paragraph \(b\)](#) of this section. An individual is considered to be enrolled in an institution of higher education if the individual is enrolled in a business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum or if the individual is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required.

7 Code of Federal Regulations Chapter 273.5(b) addresses student exemptions for SNAP eligibility. To meet an exemption, a student must:

(6) Be participating in a State or federally financed work study program during the regular school year.

(i) To qualify under this provision, the student must be approved for work study at the time of application for SNAP benefits, the work study must be approved for the school term, and the student must anticipate actually working during that time. The exemption shall begin with the month in which the school term begins or the month work study is approved, whichever is later. Once begun, the exemption shall continue until the end of the month in which the school term ends, or it becomes known that the student has refused an assignment.

(ii) The exemption shall not continue between terms when there is a break of a full month or longer unless the student is participating in work study during the break.

West Virginia Income Maintenance Manual Chapter 3.2.1.E states that a student is an individual who is enrolled at least half time in a recognized school, training program or institution of higher education. For this definition, a college includes a junior, community, two-year, or four-year college.

West Virginia Income Maintenance Manual Chapter 3.2.1.E.1 states that students who reside in a dormitory operated by the school and who receive the majority of their meals from the school are ineligible to participate in SNAP. A student cannot be denied SNAP benefits simply because the applicant lives on campus and/or participates in a meal plan at an institution of higher education. The worker must determine the scope of an applicant's meal plan to determine eligibility. Individuals who receive the majority of their meals (more than 50% of three meals daily) through a meal plan are ineligible for SNAP benefits. Individuals who do not receive the majority of their meals from a meal plan may be eligible for SNAP if they meet all other eligibility criteria.

West Virginia Income Maintenance Manual Chapter 3.2.1.E.2 states that a student meets an exemption if he is participating in a state or federally-financed College Work Study program during the school year.

DISCUSSION

Policy states that individuals enrolled at least half time in an institution of higher education are eligible for SNAP benefits if they meet an exemption and do not receive the majority of their meals from a dormitory. Participation in a College Work Study program meets an exemption for SNAP participation.

The Appellant testified that she lives in a non-dormitory residence owned by [REDACTED]. She indicated that the college owns some residences surrounding the campus and allows qualified students to live in the houses. While the housing is considered "on campus,"

it is not a dormitory and meal plans are not included in the arrangement. The Appellant testified that she completes work study for 10 hours per week and estimated that her mother provides her with \$80 to \$100 monthly to assist her with living expenses.

The Department's representative testified that the Appellant's SNAP application was denied because her mother contributes to the cost of her education.

The Appellant does not have a meal plan and meets a student exemption for SNAP participation because she participates in a work study program. Therefore, the Respondent's decision to deny SNAP benefits was incorrect.

CONCLUSIONS OF LAW

- 1) A college student who participates in a College Work Study Program meets an exemption for SNAP participation.
- 2) To be eligible for SNAP, a college student cannot receive the majority of their meals through a meal plan from the school.
- 3) The Appellant is a college student.
- 4) The Appellant has no college meal plan.
- 5) The Appellant is enrolled in College Work Study.
- 6) The Appellant is eligible for SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's decision to deny the Appellant's SNAP benefits.

ENTERED this 16th day of November 2023.

**Pamela L. Hinzman
State Hearing Officer**