



**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 29, 2023

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 23-BOR-3302

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**

██████████,

Appellant,

v.

Action Number: 23-BOR-3302

**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 November 21, 2023.

The matter before the Hearing Officer arises from the October 24, 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 SNAP application received by Respondent on September 25, 2023
- D-2 Verification Checklist dated October 12, 2023
- D-3 Notice of Decision dated October 24, 2023
- D-4 Fair Hearing Request received by Respondent on October 27, 2023
- D-5 Property tax information from ██████████ Sheriff's Department, Employment Statement for ██████████, and income information for ██████████

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 applied for Supplemental Nutrition Assistance Program (SNAP) benefits electronically on September 25, 2023 (Exhibit D-1).
- 2) The Respondent reviewed the Appellant's SNAP application and sent the Appellant a Verification Checklist on October 12, 2023, requesting income verification for the Appellant and [REDACTED] (Exhibit D-2).
- 3) The Appellant's SNAP application states that she is paid every two weeks from [REDACTED] [REDACTED] (Exhibit D-1).
- 4) The Appellant provided income verification to the Respondent on October 17, 2023 (Exhibit D-5).
- 5) The Respondent received sufficient income verification for [REDACTED] [REDACTED]; however, the Respondent did not receive all requested income verification for August and September 2023 for the Appellant from [REDACTED] (Exhibit D-5).
- 6) The Respondent sent the Appellant a Notice of Decision on October 24, 2023, indicating that her SNAP application was denied because she failed to supply all requested information (Exhibit D-3).
- 7) The Appellant submitted a Fair Hearing Request on October 27, 2023 (Exhibit D-4).
- 8) [REDACTED] has since reapplied for SNAP benefits and currently has a pending application.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 1.2.4 states that the client's responsibility is to provide complete and accurate information about his circumstances so that the worker can make a correct determination about his eligibility.

West Virginia Income Maintenance Manual Chapter 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 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.

Code of Federal Regulations 7 CFR Section 273.2(f)(4)(i) states:

Documentary evidence. State agencies shall use documentary evidence as the primary source of verification for all items except residency and household size. These items may be verified either through readily available documentary evidence or through a collateral contact, without a requirement being imposed that documentary evidence must be the primary source of verification. Documentary evidence consists of a written confirmation of a household's circumstances. Examples of documentary evidence include wage stubs, rent receipts, and utility bills. Although documentary evidence shall be the primary source of verification, acceptable verification shall not be limited to any single type of document and may be obtained through the household or other source. Whenever documentary evidence cannot be obtained or is insufficient to make a firm determination of eligibility or benefit level, the eligibility worker may require collateral contacts or home visits. For example, documentary evidence may be considered insufficient when the household presents pay stubs which do not represent an accurate picture of the household's income (such as out-dated pay stubs) or identification papers that appear to be falsified.

Code of Federal Regulations 7 CFR Section 273.2(f)(5) states:

(i) The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information. The State agency must assist the household in obtaining this verification provided the household is cooperating with the State agency as specified under [paragraph \(d\)\(1\)](#) of this section. Households may supply documentary evidence in person, through the mail, by facsimile or other electronic device, or through an authorized representative. The State agency must not require the household to present verification in person at the SNAP office. The State agency must accept any reasonable documentary evidence provided by the household and must be primarily concerned with how adequately the verification proves the statements on the application.

DISCUSSION

Policy states the client's responsibility is to provide complete and accurate information about his circumstances so that the worker can make a correct determination about his eligibility. The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information.

Ruth Skinner, the Respondent's representative, testified that the Appellant's application was denied because the Department believed that the Appellant was paid twice per month by [REDACTED] and not all income verification was received. She indicated that verification of two pays was received for July 2023; however, the Respondent only received verification of one pay each for August 2023 (August 10, 2023) and September 2023 (September 7, 2023). In addition, the "Transaction Detail" printouts provided by the Appellant to verify income do not include the Appellant's name.

The Appellant testified that she is employed as a contract worker and audits tobacco inventory for stores. She is also a full-time student and will graduate in February 2024. The Appellant indicated that she had received a pay on September 28, 2023, but it was inadvertently omitted from the information submitted to the Respondent. She stated that she only received one pay for August 2023. The Appellant testified that the “Transaction Detail” statement she receives is her only source of income verification.

The Appellant indicated on her SNAP application that she is paid every two weeks by [REDACTED]. While she only received one pay for August 2023; she received two pays for September 2023, one of which was not submitted to the Respondent in conjunction with the verification request. As the Appellant failed to provide all requested information requested by the Respondent, the Respondent’s decision to deny her SNAP application was correct.

CONCLUSIONS OF LAW

- 1) Policy states that the household has primary responsibility for providing documentary evidence to support statements on the SNAP application and to resolve any questionable information.
- 2) The Appellant reported on her September 2023 SNAP application that she is paid every two weeks.
- 3) The Respondent requested the Appellant’s income information for July, August, and September 2023.
- 4) The Appellant provided income verification for July 2023.
- 5) The Appellant only received one pay for August 2023, which was provided to the Respondent.
- 6) The Appellant provided verification of only one of two pays for September 2023 to the Respondent.
- 7) The Respondent correctly denied the Appellant’s SNAP application based on failure to verify all requested income.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent’s action to deny SNAP benefits.

ENTERED this 29th day of November 2023.

**Pamela L. Hinzman
State Hearing Officer**