



**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**

December 13, 2023

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 23-BOR-3453

[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,

Eric L. Phillips
State Hearing Officer
Member, State Board of Review

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

cc: Rebecca Skeens, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 23-BOR-3453

**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 December 13, 2023, on an appeal filed November 16, 2023.

The matter before the Hearing Officer arises from the November 7, 2023 decision by the Respondent to terminate the Appellant's eligibility for Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Rebecca Skeens, Economic Service Worker. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 PRC-2 dated June 27, 2023
- D-2 Case Comments dated June 29, 2023 and July 10, 2023
- D-3 Verification Checklist dated July 11, 2023
- D-4 Case Comments dated November 4, 2023
- D-5 Notice of Decision dated November 7, 2023
- D-6 West Virginia Income Maintenance Manual Chapter 7.2.3
- D-7 West Virginia Income Maintenance Manual Chapter 1.4.1.A

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) On June 27, 2023, the Appellant completed a PRC-2 (Exhibit D-1) for SNAP benefits.
- 2) The Appellant's assistance group includes two adults and two children.
- 3) The Appellant reported the addition of earned income from her cohabitor.
- 4) On July 11, 2023, the Respondent issued a Verification Checklist (Exhibit D-3) requesting verification of the household's earned income. The notice established a deadline for return of the requested information of July 20, 2023.
- 5) The Appellant failed to provide verification of the household's earned income.
- 6) On November 7, 2023, the Respondent issued a Notice of Decision (Exhibit D-5) informing the Appellant that the household's SNAP benefits would terminate effective November 30, 2023, for failing to provide the requested income verifications.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 7.2.3 documents in pertinent part:

The primary responsibility for providing verification rests with the client. It is an eligibility requirement that the client cooperate in obtaining necessary verifications, with an exception being that a client must never be asked to provide verification that he is or is not either a fleeing felon or a probation/parole violator. The client is expected to provide information to which he has access and to sign authorizations needed to obtain other information. Failure of the client to provide necessary information or to sign authorizations for release of information results in denial of the application or closure of the active case, provided the client has access to such information and is physically and mentally able to provide it.

West Virginia Income Maintenance Manual Chapter 4.4.1.B documents in pertinent part:

The Worker must consider information about the client's income sources before deciding which income to use. The Worker must follow the steps below for each old income source.

Step 1: Determine the amount of income received by all persons in the Income Group (IG) in the 30 calendar days prior to the application/redetermination date, or interview date when the interview is completed on a different day than when the application is received. The appropriate time period is determined by counting back 30 days beginning with the calendar day prior to the date of application/redetermination. However, if the interview is completed on a different day than when the date the application/redetermination is received, the 30-day look-back period could begin the day before the interview date. The income from this 30-day period is the minimum amount of income that must be considered. When, in the Worker's judgment, future income may be more reasonably anticipated by considering the income from a longer period of time, the Worker considers income for the income period he determines to be reasonable. Whether the Worker considers income from the prior 30 days, or from a longer period of time, all of the income received from that source during that time period must be considered. All pay periods during the appropriate time period must be considered and must be consecutive. If the client provided sufficient income verification on the date the application/redetermination is received, then additional verification is not required at interview. The year-to-date amounts on check stubs may only be used when the client has verification of all payment amounts whether used or not but is missing one.

Step 2: Determine if the income from the previous 30 days is reasonably expected to continue into the new certification period. If it is not expected to continue, the income from this source is no longer considered for use in the new certification period. If it is expected to continue, determine if the amount is reasonably expected to be more or less the same. If so, the income source is used for the new certification period and treated according to Section 4.4.1.D below. If it is not expected to continue at more or less the same amount, the income source is used for the new certification period and treated according to Section 4.4.1.C below.

Step 3: Record the results of Step 2, including the amount of income, why the source is or is not being considered for the new certification period, the client's statement about continuation of the income from this source, the time period used, and, if more than the previous 30 days, the reason additional income was considered. Once the Worker has determined all of the old sources of income to consider and the time period for which they are considered, he must then determine if any source should be considered for future income.

West Virginia Income Maintenance Manual Chapter 7.2.1 documents in pertinent part:

Verification of a client's statement is required when:

- Policy requires routine verification of specific information.
- The information provided is questionable. To be questionable, it must be:
 - o Inconsistent with other information provided; or
 - o Inconsistent with the information in the case file; or
 - o Inconsistent with information received by the Department of Health and Human Resources (DHHR) from other sources; or
 - o Incomplete; or
 - o Obviously inaccurate; or
 - o Outdated.
- Past experience with the client reveals a pattern of providing incorrect information or withholding information. A case recording must substantiate the reason the Worker questions the client's statement.
- The client does not know the required information.

Code of Federal Regulations 7 CFR 273.2(f)(1) documents:

Verification. Verification is the use of documentation or a contact with a third party to confirm the accuracy of statements or information. The State agency must give households at least 10 days to provide required verification.

Code of Federal Regulations 7 CFR 273.2(f)(1)(ii) documents:

Changes. Changes reported during the certification period shall be subject to the same verification procedures as apply at initial certification, except that the State agency shall not verify changes in income if the source has not changed and if the amount has changed by \$50 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. The State agency shall also not verify total medical expenses or actual utility expenses which are unchanged or have changed by \$25 or less, unless the information is incomplete, inaccurate, inconsistent or outdated.

DISCUSSION

Governing policy requires the verification of reported changes during a certification period. The Respondent terminated the Appellant's Supplemental Nutrition Assistance Program benefits when the Appellant failed to provide verification of self-reported earned income. The Respondent had to prove by a preponderance of the evidence that the Appellant failed to provide a complete verification of earned income to maintain the household's financial eligibility for SNAP benefits.

On June 27, 2023, the Appellant completed a Periodic Report Form for benefits in which she reported the onset of earned income for her cohabitor. The Respondent requested that the Appellant provide verification of the household's employment income by July 20, 2023. (Exhibit D-3) Through a delayed response on November 4, 2023, the Respondent discovered that the

Appellant failed to provide the requested earned income verification and terminated SNAP assistance effective November 30, 2023.

The Appellant purported confusion regarding the Verification Checklist (Exhibit D-3) and indicated that she neglected providing the requested information concerning the earned income to the Respondent.

Federal regulations require that changes reported during the certification period are subject to verification. State agencies must give households at least ten days to provide required verifications. Additionally, failure to provide necessary information may result in the closure of the assistance group. Because the Appellant reported a change to the earned income during the certification period, the household was required to provide verification of the earned income to maintain its financial eligibility. Because the Appellant failed to provide the necessary information verifying the household's earned income, the Respondent's decision to terminate SNAP benefits is affirmed.

CONCLUSIONS OF LAW

- 1) For SNAP purposes, verification is required when an individual reports a change in circumstances during a certification period.
- 2) Failure to provide necessary verifications results in denial of the application or closure of the active case.
- 3) Agencies must afford households at least a ten-day timeframe to provide requested verifications.
- 4) The Appellant was required to provide verification of the household's earned income by July 20, 2023.
- 5) The Appellant's failure to verify the household's earned income resulted in a termination of SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to uphold the Respondent's decision to reduce the Appellant's SNAP benefits.

ENTERED this _____ day of December 2023.

**Eric L. Phillips
State Hearing Officer**