



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

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

**Christopher G. Nelson  
Interim Inspector General**

February 8, 2024

[REDACTED]

RE: [REDACTED] v. WVDohS  
ACTION NO.: 24-BOR-1109

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 Human Services. These same laws and regulations are used in all cases to ensure 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: Samuel Dodd, DoHS

**BEFORE THE OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW**

██████████,

**Appellant,**

v.

**Action Number: 24-BOR-1109**

**WEST VIRGINIA DEPARTMENT OF HUMAN SERVICES  
BUREAU FOR FAMILY ASSISTANCE,**

**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 Office of Inspector General Common Chapters Manual. This fair hearing was convened on January 30, 2024.

The matter before the Hearing Officer arises from the December 26, 2023, decision by the Respondent to deny Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Samuel Dodd, 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     Income verification from ██████████
- D-2     Verification checklist dated November 29, 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) review with the Respondent on October 20, 2023.
- 2) The Appellant's SNAP benefits were terminated effective November 2023.
- 3) To reestablish eligibility, the Respondent sent the Appellant a verification checklist on November 29, 2023, requesting documentation of all income received in October 2023 for [REDACTED] (Exhibit D-2).
- 4) The verification checklist lists a due date of December 9, 2023 (Exhibit D-2).
- 5) The Appellant provided income information from [REDACTED] for September 22, 2023, and September 29, 2023. The documentation lists amounts of \$368.78 and \$247.20. It is unclear whether those amounts reflect gross or net income (Exhibit D-1).
- 6) Verification of October 2023 income was not received.
- 7) The Respondent sent the Appellant a SNAP denial notice on December 26, 2023.

## **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 7.2.4 states that the worker must list all required verification known at the time of application or redetermination.

West Virginia Income Maintenance Manual Chapter 7.3.41 states that earned income must be verified prior to initial approval, at application, and at redetermination.

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

***Notice of Required Verification.*** The State agency shall provide each household at the time of application for certification and recertification with a notice that informs the household of the verification requirements the household must meet as part of the application process. The notice shall also inform the household of the State agency's responsibility to assist the household in obtaining required verification provided the household is cooperating with the State agency as specified in [\(d\)\(1\)](#) of this section. The notice shall be written in clear and simple language and shall meet the bilingual requirements designated in [§ 272.4\(b\) of this chapter](#). At a minimum, the notice shall contain examples of the types of documents the

household should provide and explain the period of time the documents should cover.

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

**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. [Paragraph \(i\)\(4\)](#) of this section contains verification procedures for expedited service cases.

(1) **Mandatory verification.** State agencies shall verify the following information prior to certification for households initially applying:

(i) **Gross nonexempt income.** Gross nonexempt income shall be verified for all households prior to certification. However, where all attempts to verify the income have been unsuccessful because the person or organization providing the income has failed to cooperate with the household and the State agency, and all other sources of verification are unavailable, the eligibility worker shall determine an amount to be used for certification purposes based on the best available information.

## **DISCUSSION**

Policy states that earned income must be verified prior to initial approval, at application, and at redetermination. It is the client's responsibility to provide complete and accurate information about his or her circumstances so that the worker can make a correct determination about eligibility.

The Appellant submitted a SNAP review in late October 2023. Her SNAP benefits closed effective November 2023, and the Respondent requested income verification to reestablish SNAP eligibility on November 29, 2023. The Appellant failed to provide the October 2023 income verification requested on the verification checklist and SNAP benefits were denied.

The Appellant testified that her husband may have only worked one week in October 2023, and had medical issues for most of the month. She stated that the household may not be eligible for SNAP benefits because her husband started receiving Social Security Disability benefits in November 2023.

As the Appellant failed to verify income for October 2023, or supply information concerning changing household circumstances for that period, her ongoing eligibility for SNAP benefits could not be determined. Therefore, the Respondent's decision to deny SNAP benefits is affirmed.

### **CONCLUSIONS OF LAW**

- 1) The Appellant submitted a SNAP redetermination in October 2023 and SNAP benefits closed effective November 2023
- 2) The Appellant was required to submit verification to the Respondent by December 9, 2023, to reestablish SNAP eligibility.
- 3) The Appellant failed to submit the requested verification to the Respondent by December 9, 2023.
- 4) The Respondent's action to deny SNAP benefits was correct.

### **DECISION**

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

**ENTERED this 8th day of February 2024.**

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**Pamela L. Hinzman**  
**State Hearing Officer**