



April 21, 2025

[REDACTED]

RE: [REDACTED] v. DoHS/BFA
ACTION NO.:25-BOR-1695

Dear Ms. [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 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,

Kristi Logan
Certified State Hearing Officer
Member, State Board of Review

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

cc: Rena Lawless, [REDACTED] County DoHS

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW**

[REDACTED]

Appellant,

v.

Action Number: 25-BOR-1695

**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 [REDACTED]. This hearing was held in accordance with the provisions found in Chapter 700 of the Office of Inspector General Common Chapters Manual. This fair hearing was convened on April 15, 2025.

The matter before the Hearing Officer arises from the March 17, 2025, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Amy Mabe-Hall, [REDACTED] County DoHS. Appearing as a witness for the Respondent was Matthew Bradley, Investigations and Fraud Management. The Appellant appeared *pro se*. The witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Front-End Fraud Unit Investigative Findings dated February 28, 2025
- D-2 Notice of SNAP Termination dated March 17, 2025, and Hearing Request received March 27, 2025
- D-3 Verification Checklist dated March 3, 2025
- D-4 Notice of Medicaid Denial dated March 17, 2025
- D-5 Case Comments from February 28 – March 27, 2025
- D-6 Interstate Paternity Acknowledgement Certification Transmission (IPACT) Results, Case Summary and Household Members Screens
- D-7 Income Summary, Shelter Costs, and Utility Costs Screens
- D-8 Case Comments from July 14 – December 13, 2023
- D-9 Benefit Payment History Screen and Employment Statement dated September 26, 2024
- D-10 SNAP Review Form dated December 31, 2024

- D-11 Appalachian Power Bill and Statements from [REDACTED] dated October 1 and November 6, 2024
- D-12 Rental Verification dated January 18, 2024, Verification of Household Composition dated November 13, 2024, Request for Landlord Verification dated February 25, 2025
- D-13 Witness Statement dated February 5, 2025
- D-14 Witness Statement dated February 5, 2025
- D-15 Address Information Request dated February 12, 2025
- D-16 Employment Wage History dated March 27, 2025
- D-17 West Virginia Income Maintenance Manual §3.2.1.A.4

Appellant's Exhibits:

- A-1 Letter from [REDACTED] dated March 7, 2025

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 was a recipient of SNAP benefits for herself and her four children.
- 2) The Respondent's Front-End Fraud Unit (FEFU) received a referral in February 2025, alleging that the father of two of the Appellant's children was residing in the home.
- 3) FEFU Investigator Matthew Bradley investigated the allegations made against the Appellant and concluded that [REDACTED], father of [REDACTED] and [REDACTED], was residing in the Appellant's household (Exhibit D-1).
- 4) On March 3, 2025, the Respondent sent a verification checklist to the Appellant requesting verification of [REDACTED] earned income (Exhibit D-3).
- 5) The Appellant requested a hearing on March 7, 2025.
- 6) During a pre-hearing conference with the Appellant, she reported to the Respondent that [REDACTED] visited his children during the day, spending two weekends a month at her residence, and that he assisted her with her living expenses (Exhibit D-5).
- 7) The Appellant denied that [REDACTED] resided in her home, purporting that he resided with his mother (Exhibit D-5).
- 8) On March 17, 2025, the Respondent sent a notice of SNAP termination to the Appellant advising that her SNAP benefits would close effective March 31, 2025, for failure to verify [REDACTED] income (Exhibit D-2).

APPLICABLE POLICY

Code of Federal Regulations Title 7 §271.3 explains the SNAP household concept:

(b) ***Special household requirements*** —

(1) ***Required household combinations***. The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified.

(i) Spouses;

(ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s); and

(iii) A child (other than a foster child) under 18 years of age who lives with and is under the parental control of a household member other than his or her parent. A child must be considered to be under parental control for purposes of this provision if he or she is financially or otherwise dependent on a member of the household, unless State law defines such a person as an adult.

West Virginia Income Maintenance Manual Chapter 3 explains eligibility determination groups:

3.2.1.A Who Must Be Included?

The SNAP Assistance Group (AG) must include all eligible individuals who both live together and purchase food and prepare meals together, with the exception of residents of shelters for battered persons.

3.2.1.A.4 Children Under Age 22, Living with a Parent

Natural or adopted children and stepchildren who are under 22 years of age and who live with a parent must be in the same AG as that parent. There is no required maximum/minimum amount of time the child must spend with a parent for the child to be included in the SNAP AG. If no one is receiving any SNAP benefits for the child, it is assumed that the living arrangements are not questionable, and the child is added to the SNAP AG that wishes to add him. If the child is already listed in another SNAP AG or the other parent wishes to add the child to his SNAP AG, the parents must agree as to where the child “lives” and, ultimately, to which SNAP AG he is added. Where the child receives the majority of his meals, or the percentage of custody, must not be the determining factor for which parent receives SNAP for the child.

West Virginia Income Maintenance Manual Chapter 7 explains verification requirements:

7.2.3 Client Responsibilities

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.

DISCUSSION

Pursuant to policy and federal regulations, children under 22 years of age who reside with a parent must be included in the same SNAP assistance group. The Respondent's IFM unit determined that [REDACTED], father of two of the Appellant's children, was residing in the Appellant's home and was required to be included in the Appellant's SNAP assistance group.

Investigator Bradley testified that he interviewed two neighbors of the Appellant who confirmed that a man lived with the Appellant and the children. Investigator Bradley confirmed that [REDACTED] received mail at the Appellant's address with the United States Postal Service and that the Appellant's electric bill was in [REDACTED] name. Investigator Bradley stated his attempts to verify the Appellant's household composition with her landlord were unsuccessful.

The Appellant testified that she and her children moved to [REDACTED] West Virginia because she was unable to obtain a lease in her name and for the children to be closer to [REDACTED]. The Appellant admitted that the lease for her residence at [REDACTED] was in [REDACTED] name and he stayed there whenever he desired, claiming it was his house. The Appellant stated [REDACTED] was in the home almost every day to help care for and visit the children and she would often leave the home when he was there. The Appellant contended that when their relationship became "rocky" she began looking for another place to live and moved into [REDACTED] apartments the first week of April, where the lease is solely in her name (Exhibit A-1).

While the Appellant did not consider [REDACTED] as a member of her household, credible testimony from the Appellant indicated that he was residing in her home. The Appellant admitted that [REDACTED] was in the home daily and spent the night a few weekends a month. Policy and federal regulations require that children, who are under the age of 22, must be included in the same SNAP assistance group as the parents with whom they reside. There is no required maximum or minimum amount of time the child must spend with a parent for the child to be included in the SNAP assistance group. [REDACTED] daily presence in the Appellant's household, with their two shared children, required him to be included in the Appellant's SNAP assistance group.

Upon receipt of the FEFU investigation findings, the Respondent requested verification of [REDACTED] earned income. Policy stipulates that verification is an eligibility requirement and failure to provide requested verifications results in closure of an active case. The Appellant failed to verify Brandon Brooks' earnings, therefore the Respondent's termination of the Appellant's SNAP benefits is affirmed.

CONCLUSIONS OF LAW

- 1) Pursuant to policy and federal regulations, children under 22 years of age who reside with a parent must be included in the same SNAP assistance group.

- 2) Based on the testimony and evidence provided, Brandon Brooks, father of two of the Appellant's children, was residing in the Appellant's household.
- 3) The Respondent requested verification of Brandon Brooks' earned income to determine the Appellant's continued eligibility for SNAP benefits.
- 4) The Appellant failed to verify Brandon Brooks' income, and SNAP benefits were terminated effective April 1, 2025.
- 5) The Respondent acted in accordance with policy in the termination of the Appellant's SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to **uphold** the action of the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program benefits.

ENTERED this 21st day of April 2025.

Kristi Logan
Certified State Hearing Officer