



April 30, 2025

[REDACTED]

RE: [REDACTED] v. DoHS/BFA
ACTION NO.: 25-BOR-1759

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 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,

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

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

cc: Angela Mitchem, [REDACTED] County DoHS

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

██████████,

Appellant,

v.

Action Number: 25-BOR-1759

**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 Office of Inspector General Common Chapters Manual. This fair hearing was convened on April 29, 2025.

The matter before the Hearing Officer arises from the September 15, 2022, decision by the Respondent to exclude ██████████ from the Supplemental Nutrition Assistance Program (SNAP) assistance group and the April 3, 2025, decision to disallow a shelter deduction for April 2025 SNAP benefits.

At the hearing, the Respondent appeared by Sabrina Belcher, ██████████ County DoHS. The Appellant appeared *pro se*. The witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

None

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 began receiving SNAP benefits for herself and her husband, [REDACTED] in West Virginia in 2015.
- 2) On September 14, 2022, the Front-End Fraud Unit (FEFU) division of the West Virginia Office of Inspector General submitted its investigative findings to the Respondent.
- 3) FEFU determined that [REDACTED] was a fleeing felon from [REDACTED] and had a bench warrant for his arrest.
- 4) The Respondent removed [REDACTED] from the SNAP assistance group effective October 1, 2022, due to his status as a fleeing felon.
- 5) The Appellant and [REDACTED] did not appeal his removal from the SNAP assistance group in 2022.
- 6) On February 26, 2025, the Respondent received undelivered mail that was sent to the Appellant.
- 7) The Respondent sent a verification checklist to the Appellant requesting proof of her current physical and mailing address and her current shelter expenses be provided by March 7, 2025.
- 8) On March 8, 2025, the Appellant emailed a photo of her partial lease agreement to the Respondent.
- 9) The photo of the lease included the tenants' names, the landlord's name and monthly rental amount. The Appellant typed in the landlord's phone number into the body of the email.
- 10) On March 27, 2025, the Appellant emailed verification that [REDACTED] had paid restitution to [REDACTED] and the bench warrant was dismissed.
- 11) On April 1, 2025, the Appellant emailed a copy of the entire lease agreement to the Respondent.
- 12) The shelter deduction was not applied to the Appellant's SNAP benefits until May 1, 2025.
- 13) [REDACTED] was added to the Appellant's SNAP assistance group effective May 1, 2025.
- 14) The Appellant requested a hearing on April 2, 2025, to appeal the removal of [REDACTED] from SNAP benefits from October 2022 through April 2025 and the disallowance of the shelter deduction for April 2025 SNAP benefits.

APPLICABLE POLICY

Code of Federal Regulations Title 7 §273.15 explains the SNAP fair hearing process:

(g) **Time period for requesting hearing.** A household shall be allowed to request a hearing on any action by the State agency or loss of benefits which occurred in the prior 90 days. Action by the State agency shall include a denial of a request for restoration of any benefits lost more than 90 days but less than a year prior to the request. In addition, at any time within a certification period a household may request a fair hearing to dispute its current level of benefits.

Code of Federal Regulations Title 7 §273.15 explains SNAP reporting requirements:

(c) State agency action on changes

(1) Increase in benefits.

(i) For changes which result in an increase in a household's benefits, other than changes described in [paragraph \(c\)\(1\)\(ii\)](#) of this section, the State agency shall make the change effective no later than the first allotment issued 10 days after the date the change was reported to the State agency. For example, a \$30 decrease in income reported on the 15th of May would increase the household's June allotment. If the same decrease were reported on May 28, and the household's normal issuance cycle was on June 1, the household's allotment would have to be increased by July.

West Virginia Income Maintenance Manual Chapter 10 explains case maintenance procedures:

10.4.3.A Increase in Benefits

10.4.3.A.2 All Other Changes

For all other changes that result in an increase in benefits, except those described in Increase in Benefits above, changes are made as follows.

- If the next issuance date is more than 10 days after the date the change is reported, the change is effective the month following the report month.
- If the next issuance date is within 10 days of the date the change is reported, the change is effective two months after the report month. The ten-day period includes the date of the report and takes the staggered benefit issuance date into consideration.

West Virginia Income Maintenance Manual Chapter 1 lists issuance dates for SNAP benefits:

1.4.19.B.2 Method of Issuance

SNAP benefits are available in the EBT account on a staggered schedule for the first nine calendar days of the month, based upon the payee's last name.

First Letter of Last Name	Calendar Day of the Month
B, X, Y, Z	1
C, F	2
H, N, V	3
I, M, O, U	4

Q, S	5
A, W	6
J, K, P	7
D, E, R	8
G, L, T	9

Office of Inspector General Common Chapters Manual §710.20 explains the fair hearing process:

710.20 Dismissal; Withdrawal; or Abandonment of a Hearing

A. Dismissal – a request for hearing may be dismissed if:

1. The request for hearing was not filed within the allowable time frame specified in the notice of adverse action.

DISCUSSION

Policy and federal regulations stipulate that when a reported change will result in an increase in SNAP benefits, the change is effective the month following the month the change was reported if the next SNAP issuance is more than 10 days after the date of the reported change. The Respondent contended that the document provided by the Appellant on March 8, 2025, included the tenants' names, the landlord's name and the monthly rental amount but omitted the phone number of the landlord and therefore the verification was incomplete.

The Respondent received information that the Appellant had changed residences and requested verification of her new address and shelter costs. The witness for the Respondent testified that the Appellant emailed a photo of her new lease agreement, but the photo did not include the phone number of her landlord as requested. Upon reviewing the email that was provided by the Appellant on March 8, 2025, the Respondent discovered that the Appellant had included the landlord's phone number in the email that was overlooked.

Whereas the Appellant provided the requested verification to the Respondent on March 8, 2025, and the Appellant's next SNAP issuance was scheduled for more than 10 days from the date of the verified reported change, the new shelter deduction should have been used in determining SNAP benefits for April 2025.

On March 27, 2025, the Appellant submitted verification that [REDACTED] had made restitution to [REDACTED] for the offense of which the bench warrant was issued. The Respondent accepted the documentation and added [REDACTED] to the SNAP assistance group effective May 1, 2025. Pursuant to policy, the Appellant's SNAP benefits are issued on the 9th day of each month. The next SNAP issuance date of April 9, 2025, is more than 10 days from the reported change on March 27, 2025. [REDACTED] should have been included in the Appellant's SNAP assistance group effective April 2025.

Federal regulations and Common Chapters specify that a request for a hearing must be made within 90 days of the effective date of the action under appeal. [REDACTED] was excluded from SNAP benefits effective October 1, 2022. The Appellant testified that she did not request a hearing in 2022, therefore the Appellant's hearing request over his removal from the SNAP assistance group

on April 2, 2025, is untimely and is hereby dismissed.

CONCLUSIONS OF LAW

- 1) For reported changes that will result in an increase in SNAP benefits, the change is effective the month following the month the change was reported if the next SNAP issuance is more than 10 days after the date of the reported change.
- 2) The Appellant verified her new rental obligation on March 8, 2025.
- 3) The Appellant's next SNAP issuance of April 9, 2025, was more than 10 days from the date of the reported change.
- 4) The Appellant was entitled to the rental deduction for April 2025 SNAP benefits.
- 5) The Appellant reported that her husband had made restitution to [REDACTED] and no longer had a warrant for his arrest on March 27, 2025.
- 6) The Appellant's next SNAP issuance of April 9, 2025, was more than 10 days from the date of the reported change.
- 7) [REDACTED] was eligible to be included in the Appellant's SNAP benefits effective April 1, 2025.

DECISION

It is the decision of the State Hearing Officer to **reverse** the decision of the Respondent to exclude [REDACTED] from the SNAP assistance group for April 2025 and to disallow the Appellant's rental expense as an income deduction for April 2025 benefits.

It is the decision of the State Hearing Officer to **dismiss** the Appellant's request for hearing regarding the exclusion of [REDACTED] from SNAP benefits from October 2022 through March 2025 as the request was made over 90 days from the effective date of the action.

ENTERED this 30th day of April 2025.

Kristi Logan
Certified State Hearing Officer