



May 21, 2025

REMOVED

RE: **REMOVED** v. WVDoHS
ACTION NO.: 25-BOR-1916

Dear **REMOVED**

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,

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

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

cc: Kristyne Hoskins, BFA

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

REMOVED

Appellant,

v.

Action Number: 25-BOR-1916

**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 **REMOVED**. 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 May 15, 2025, on an appeal filed April 28, 2025.

The matter before the Hearing Officer arises from the April 16, 2025 decision by the Respondent to terminate Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Kristyne Hoskins, Economic Service Worker Senior. The Appellant was self-represented. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 PRC 2 Redetermination Form dated March 24, 2025
- D-2 Case Comments dated April 2, 2025
- D-3 Completed PRC 2 Redetermination Form dated March 28, 2025
- D-4 Verification Checklist dated April 3, 2025
- D-5 Computer printout of received documents
- D-6 Notice of Decision dated April 16, 2025
- D-7 Case Comments dated April 15, 2025
- D-8 Computer printout of Employment Income
- D-9 West Virginia Income Maintenance Manual § 4.5.1.B

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 was a recipient of SNAP benefits.
- 2) In April 2025, the Appellant received \$123.00 in monthly SNAP benefits.
- 3) The Appellant was required to complete a PRC 2 redetermination of his SNAP benefits by April 1, 2025. (Exhibit D-1)
- 4) On March 28, 2025, the Appellant submitted a completed PRC 2 redetermination. (Exhibit D-3)
- 5) The Appellant reported unearned income from Supplemental Security Income in the amount of \$967.00. (Exhibit D-3)
- 6) The Appellant reported earned income for West Virginia Senior Community Employment Title V with the **REMOVED** beginning February 25, 2025. (Exhibit D-3)
- 7) The Respondent issued a Verification Checklist requesting proof of the Appellant's gross earned income by April 12, 2025. (Exhibit D-4)
- 8) The Appellant failed to provide the requested earned income verification.
- 9) On April 16, 2025, the Respondent issued a Notice of Decision informing the Appellant of the termination of his SNAP benefits, effective April 30, 2025, due to his failure to provide the requested information.
- 10) On April 28, 2025, the Appellant requested a fair hearing regarding the termination and requested SNAP benefits continue pending a decision from the Board of Review.
- 11) The Appellant's SNAP benefits were reduced for May 2025 to \$23.00.
- 12) The Appellant's earned income terminated effective May 14, 2025.
- 13) Income under the Older Americans Act-Community Service Employment under Title V is not counted as income toward SNAP eligibility.

APPLICABLE POLICY

West Virginia Common Chapters Manual 710.16.B.2 documents:

2. If a current Recipient requests a hearing prior to the effective date of the adverse action then the adverse action shall be delayed pending a hearing decision.

Code of Federal Regulations § 273.15.k documents in part:

(k) ***Continuation of benefits.***

(1) If a household requests a fair hearing within the period provided by the notice of adverse action, as set forth in [§ 273.13](#), and its certification period has not expired, the household's participation in the program shall be continued on the basis authorized immediately prior to the notice of adverse action, unless the household specifically waives continuation of benefits. The form for requesting a fair hearing shall contain space for the household to indicate whether or not continued benefits are requested. If the form does not positively indicate that the household has waived continuation of benefits, the State agency shall assume that continuation of benefits is desired and the benefits shall be issued accordingly. If the State agency action is upheld by the hearing decision, a claim against the household shall be established for all overissuances, with one exception. In the case of an EBT adjustment, as defined in [§ 274.12\(f\)\(4\)\(ii\) of this chapter](#), once an adverse action is upheld, the State agency shall immediately debit the household's account for the total amount stated in its original notice. If there are no benefits or insufficient benefits remaining in the household's account at the time the State agency action is upheld, the State agency may only make the adjustment from the next month's benefits, regardless of whether this satisfies the full adjustment amount. If a hearing request is not made within the period provided by the notice of adverse action, benefits shall be reduced or terminated as provided in the notice. However, if the household establishes that its failure to make the request within the advance notice period was for good cause, the State agency shall reinstate the benefits to the prior basis. When benefits are reduced or terminated due to a mass change, participation on the prior basis shall be reinstated only if the issue being contested is that SNAP eligibility or benefits were improperly computed or that Federal law or regulation is being misapplied or misinterpreted by the State agency.

(2) Once continued or reinstated, the State agency must not reduce or terminate benefits prior to the receipt of the official hearing decision unless:

(i) The certification period expires. The household may reapply and may be determined eligible for a new certification period with a benefit amount as determined by the State agency;

- (ii) The hearing official makes a preliminary determination, in writing and at the hearing, that the sole issue is one of Federal law or regulation and that the household's claim that the State agency improperly computed the benefits or misinterpreted or misapplied such law or regulation is invalid;
- (iii) A change affecting the household's eligibility or basis of issuance occurs while the hearing decision is pending and the household fails to request a hearing after the subsequent notice of adverse action;
- (iv) A mass change affecting the household's eligibility or basis of issuance occurs while the hearing decision is pending; or
- (v) The household, or its representative, orally withdrew its request for a fair hearing and did not advise the State agency of its desire to reinstate the fair hearing within the time frame specified in [paragraph \(j\)\(2\)](#) of this section.

- (3) The State agency shall promptly inform the household in writing if benefits are reduced or terminated pending the hearing decision.

Code of Federal Regulations § 273.2 (f)

(f) **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.

West Virginia Income Maintenance Manual Chapter 4.3 documents in part:

Chart of Income Sources:

58. Older Americans Act-Community Service Employment CSEP Title V

No (Income)-Supplemental Nutrition Assistance Program

West Virginia Income Maintenance Manual Chapter 7.2.1 documents in 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 Human Services (DOHS) 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.

West Virginia Income Maintenance Manual 7.2.2 documents:

Verification is not required from the individual when:

- It is known that the individual does not have access to the requested information.
- The information is known, or available to the Department of Human Services (DOHS).
- The client's response is a negative statement, unless his statement is questionable. An example of a negative statement is when a client reports that he has no bank account. His negative statement is not verified unless there is a valid reason to question it.
- A change reported during the Supplemental Nutrition Assistance Program (SNAP) certification period results in a decrease in benefits, unless the reported change is a new source of income.

DISCUSSION

On April 16, 2025, the Respondent terminated the Appellant's SNAP benefits when the Appellant failed to provide requested verification of his earned income. The termination of SNAP benefits was effective May 1, 2025. On April 28, 2025, the Appellant submitted an appeal to the proposed termination of SNAP benefits and requested that his SNAP benefits remain open pending a decision from the State Hearing Officer. The Respondent must prove by a preponderance of the evidence that it correctly terminated the Appellant's SNAP benefits.

The Appellant submitted a periodic redetermination of his SNAP benefits on March 28, 2025. (Exhibit D-3) The Appellant reported his Supplemental Security Income and indicated the onset of new household earned income. The Appellant listed in the redetermination earned income which noted "West Virginia Senior Community Employment Program Title V" **REMOVED** with a biweekly pay amount of \$315.22. (Exhibit D-3) On April 3, 2025, the Respondent issued a verification checklist (Exhibit D-4) requesting proof of the Appellant's income and his employment start date with the **REMOVED**. The Respondent requested the employment information be returned by April 12, 2025. The Appellant failed to return the requested verifications and the Respondent terminated his SNAP benefits effective May 1, 2025. On April 28, 2025, the Appellant submitted an appeal to the termination and requested his benefits continue pending a decision.

The Appellant protests the inclusion of his income from a Title V West Virginia Community Employment Program when determining his SNAP eligibility. The Appellant contends that the income is not considered for eligibility purposes and he should not have been required to provide verification. The Appellant purported that his income from the West Virginia Community Employment Program ended on May 14, 2025. The Respondent contends they had no knowledge that the income was from a Title V program and they require verification of the income for data entry purposes.

Governing policy is clear that income from Community Service Employment (Title V) is not considered for SNAP eligibility. Evidence is clear that the Appellant marked his redetermination as Title V income. In consideration that the Appellant's income is not considered for SNAP eligibility, the Department was incorrect to terminate the Appellant's eligibility for SNAP benefits.

Prior to a decision from the State Hearing Officer, the Appellant's SNAP benefits were reduced from \$123.00 to \$23.00. Federal regulations are clear that if a household requests a fair hearing within the period provided by the notice of adverse action and its certification period has not expired, the household's participation in the program shall be continued on the basis authorized immediately prior to the notice of adverse action. Evidence is clear that the Appellant's SNAP benefits were decreased prior to a hearing decision.

Based on an evidentiary review, the Respondent's decision to terminate the Appellant's benefits cannot be affirmed.

CONCLUSIONS OF LAW

- 1) Policy is clear that income from Title V Community Service Employment is not considered when determining SNAP eligibility.
- 2) The Appellant reported income from Supplemental Security Income and Title V West Virginia Community Service Employment.
- 3) The Respondent was incorrect to require verification of Title V West Virginia Community Service Employment income.
- 4) The Appellant requested his benefits to continue pending a decision from the State Hearing Officer; therefore, his benefits should have been reinstated to the amount prior to the adverse action notice.
- 5) The Respondent incorrectly decreased the Appellant's SNAP benefits prior a decision from the State Hearing Officer.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the decision of the Respondent to terminate the Appellant's SNAP benefits.

The matter is remanded to the Respondent for reinstatement of SNAP benefits prior to the adverse action. Additionally, the matter is remanded for a recalculation of income which excludes the Title V West Virginia Community Service Employment Income.

ENTERED this _____ day of May 2025.

Eric L. Phillips
State Hearing Officer