



October 2, 2025

[REDACTED]

RE: [REDACTED] v. WVDHS/BFA
ACTION NO.: 25-BOR-2673

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,

Todd Thornton
State Hearing Officer
Member, State Board of Review

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

cc: Eric Dotson, Department Representative

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

[REDACTED]

Appellant,

v.

Action Number: 25-BOR-2673

**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 September 18, 2025, upon a timely appeal filed on August 20, 2025.

The matter before the Hearing Officer arises from the August 6, 2025 decision by the Respondent to deny the Appellant's Supplemental Nutrition Assistance Program (SNAP) application for failure to provide necessary information.

At the hearing, the Respondent appeared by Eric Dotson. The Appellant was self-represented. Appearing as a witness for the Appellant was her husband, [REDACTED]. All witnesses were placed under oath, and the following documents were admitted into evidence.

EXHIBITS

Department's Exhibits:

- | | |
|-----|---|
| D-1 | Case summary |
| D-2 | Notice of decision, dated August 6, 2025 |
| D-3 | Verification checklist, dated July 10, 2025 |

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 applied for SNAP benefits for her household on June 13, 2025.
- 2) The Appellant's husband, [REDACTED], was interviewed in conjunction with the SNAP application.
- 3) The Respondent issued a verification checklist, dated July 10, 2025, to the Appellant. (Exhibit D-3)
- 4) This letter (Exhibit D-3) requested the Appellant provide "...the past 3 months of your self employment [sic] income showing gross pay and expenses."
- 5) The letter (Exhibit D-3) further advised "If this information is not made available to this office by 07/20/2025 your application will be denied."
- 6) On July 16, 2025, the Appellant sent an email to the Respondent with a zipped file.
- 7) The Respondent did not open the zipped file attachment.
- 8) The Respondent sent the Appellant a letter dated August 6, 2025, which advised the Appellant their SNAP application was denied because the Appellant "...did not turn in all requested information." (Exhibit D-2)

APPLICABLE POLICY

Code of Federal Regulations 7 CFR § 273.2(d)(1) explains household cooperation in the SNAP application process, and provides, in part:

(d) ***Household cooperation.***

(1) To determine eligibility, the application form must be completed and signed, the household or its authorized representative must be interviewed, and certain information on the application must be verified. If the household refuses to cooperate with the State agency in completing this process, the application shall be

denied at the time of refusal. For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take actions that it can take and that are required to complete the application process. For example, to be denied for refusal to cooperate, a household must refuse to be interviewed not merely failing to appear for the interview...

Code of Federal Regulations 7 CFR § 273.2(f)(5)(i) provides, in part:

(5) Responsibility of obtaining verification.

(i) The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information. The State agency must assist the household in obtaining this verification provided the household is cooperating with the State agency as specified under paragraph (d)(1) of this section. Households may supply documentary evidence in person, through the mail, by facsimile or other electronic device, or through an authorized representative. The State agency must not require the household to present verification in person at the SNAP office. The State agency must accept any reasonable documentary evidence provided by the household and must be primarily concerned with how adequately the verification proves the statements on the application...

West Virginia Income Maintenance Manual (WVIMM) § 14.3.1.A states that “Verification of a client’s statement is required when...policy requires routine verification of specific information...”

WVIMM § 7.3 provides a table identifying verification requirements for various programs including SNAP. At § 7.3.41, this table indicates that for all programs with an income test, the source and amount of earned income must be verified prior to initial approval, at application, and at redetermination.

WVIMM § 4.3.1 provides a chart which shows how various income types are treated for SNAP. At § 4.3.1.30.P, the first chart notes that self-employment income is treated as earned income for SNAP.

WVIMM § 7.2.3 outlines client responsibilities in the verification process for SNAP applications, and provides, in 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...

Refusal to cooperate, failure to provide necessary information, or failure to sign authorizations for release of information, provided the client has access to such information and is physically and mentally able to provide it, may result in one of the following:

- Denial of the application
- Closure of the assistance group (AG)
- Determination of ineligibility
- Disallowance of an income deduction or an incentive payment

...

WVIMM § 7.2.4 outlines worker responsibilities in the verification process for SNAP applications, and provides:

The Worker has the following responsibilities in the verification process:

- At application, redetermination, and anytime a DFA-6 is used, the Worker must list all required verification known at the time. The Worker should only request additional verification if information provided is incomplete or additional information is necessary to determine eligibility.
- If the client is unsuccessful in obtaining information, or if physical or mental limitations prevent his compliance, and there is no one to assist him, the Worker must document attempts to obtain the verification.
- The Worker must accept any reasonable documentary evidence as verification and must not require a specific kind or source of verification. Verification may be submitted in person, by mail, by fax, or electronically.
- The Worker must not request verification if the case record or other documentation shows that verification has previously been supplied. It may, however, be requested if the verification provided or shown in the Department's records is incomplete, inaccurate, outdated, or inconsistent with recently reported information.
- If the client requests a receipt for verification, one must be provided.
- When the client alleges sexual harassment and domestic violence, sexual assault, and stalking, the Worker, in order to ensure the safety of the individual, must never contact the abuser, his relatives, or friends. See Section 7.3.16 for

acceptable method of verification in sexual harassment and domestic violence, sexual assault, and stalking situations.

- When the Worker must make collateral contact, such as but not limited to, a client's employer, the Worker must not disclose the client's status as an applicant/client of a DOHS program.
- When the Worker receives information about the SNAP AG during the certification period that requires additional clarification or verification, the Worker may send a DFA-6 or may request, but not require, the client report to the office for an interview.

DISCUSSION

The Appellant has appealed the decision of the Respondent to deny the Appellant's SNAP application for failure to provide necessary information. The Respondent must show, by a preponderance of the evidence, that it correctly denied the Appellant's SNAP application on this basis.

The Appellant and her husband applied for SNAP for their household. The Respondent worker issued a verification checklist to the Appellant listing the information that was needed to process the SNAP application. This checklist set a deadline – July 20, 2025 – for submission and explained that failure to provide the information would result in denial of the application. The checklist included a request for self-employment income verification. Policy defines self-employment income as earned income and requires verification of earned income for SNAP applications. The parties agreed that an email was sent by the Appellant on July 16, 2025, to the Respondent's email inbox for the [REDACTED] office. The parties disagreed about whether this email satisfied the verification request.

Eric Dotson, Family Support Supervisor and representative for the Respondent, testified that the email from the Appellant had a zipped file attachment which would not fully open. Mr. Dotson explained that the email showed a list of documents, but the documents would not open. The Appellant was asked if she provided a zipped file (or a compressed file with the .zip extension) and explained file compression without specifying the file type or types attached to her July 16, 2025 email. When asked again to specify the file type or types emailed to the Respondent, the Appellant referred to what she emailed as a "normal file" and testified that there are limitations to a regular file and that a sender must compress the file if it is too large – and that the email recipient must unzip the file. The Respondent's verification checklist asked the Appellant to provide gross pay and expense information for a three-month period to determine her self-employment income. The Appellant testified that the substance of what she provided were screenshots from her invoice system that she believed to be from April 2025 through July 2025, in addition to pictures of "receipt expenses." It is more likely than not that such a file, or files, would be large enough to require compression (or an alternate delivery method). [REDACTED], the Appellant's husband, testified that what was emailed was a folder of files – also supporting the notion that the email attachment in question was too large to be delivered uncompressed in one email. Neither party provided a forwarded copy of the email as evidence to review in the hearing. Based on these facts, the credible

testimony from the Respondent representative, and the evasive testimony from the Appellant, it is more convincing that the Appellant's July 16, 2025 email to the Respondent included a zipped file attachment.

Policy outlines the responsibilities of the Appellant and the worker assigned to process the Appellant's SNAP application. The primary responsibility to verify information lies with the Appellant. Among other requirements, the Respondent worker "...must accept any reasonable documentary evidence as verification and must not require a specific kind or source of verification." Policy sets the 'reasonable' qualifier without defining it, but any evidence in a format that presents a data security risk is not reasonable documentary evidence. Accepting zipped files puts the file recipient at risk of computer virus or malware delivery. It is unconvincing that the Appellant could explain file compression at the hearing, but she was unaware of the security risks inherent in accepting a zipped file. The Appellant testified that opening and extracting a zipped file is a "very easy thing to do," even as she maintained her position that she sent an uncompressed file. Policy states that the Respondent must not *require* a specific kind of verification but does not dictate that the Respondent cannot reject specific types based on data security risk. The Respondent may reject zipped files as unreasonable documentary evidence because of the security threat, particularly because other modes of submitting the required verification remained open to the Appellant. The Appellant could have delivered the information in a series of emails. The Appellant could have printed the documentation and delivered it by mail or facsimile. The Appellant did not meet her responsibility to provide required verification necessary to process her SNAP application.

The parties agreed that the body of the Appellant's July 16, 2025 email to the Respondent included instructions to respond to her if anything additional was needed, and that a Respondent worker did not reply as instructed by the Appellant. While this may be a courtesy extended in situations where it is possible, there is no policy provision requiring this communication except for the denial notice itself. The closest policy section (WVIMM, § 7.2.4) states "if the client requests a receipt for verification, one must be provided," but the Appellant did not request a receipt, and the disputed issue is not whether information was delivered. The information was delivered with a zipped file attachment – a known data security risk – and the Respondent was correct to not accept this as reasonable documentary evidence on that basis. Because the Respondent could not safely open the Appellant's file, it could not process the Appellant's SNAP application (or determine if the content of the unsafe attachment actually satisfied the verification request). The Respondent correctly denied the Appellant's SNAP application for failure to verify information necessary to determine SNAP eligibility and met its sole communication burden with the August 6, 2025 denial letter.

CONCLUSIONS OF LAW

- 1) Because the Appellant submitted information to process her SNAP application in an unsafe file format, this information could not be accepted by the Respondent worker as "reasonable documentary evidence."
- 2) Because the information requested from the Appellant was necessary to process her SNAP application, the Respondent must deny the Appellant's SNAP application for failure to provide verification in a reasonable format.

- 3) Because there is no policy requirement for a Respondent worker to communicate unmet verification requests aside from a notice of decision, the Respondent met its notification burden with the August 6, 2025 denial letter to the Appellant.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's denial of the Appellant's SNAP application for failure to provide necessary information.

ENTERED this _____ day of October 2025.

**Todd Thornton
State Hearing Officer**