



January 14, 2026

[REDACTED]

RE: [REDACTED] v. WV DoHS
ACTION NOS.: 25-BOR-3345 & 26-BOR-1016

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 Health and Human Resources. 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: Kristyne Hoskins, WV DoHS

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

[REDACTED]

Appellant,

v.

Action Numbers: 25-BOR-3345 & 26-BOR-1016

**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 West Virginia Office of Inspector General Common Chapters Manual. This fair hearing was convened on January 6, 2026.

The matter before the Hearing Officer arises from the Respondent's termination of the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits effective December 2025, and the termination of Medicare Premium Assistance (MPA) Program benefits as outlined in Notices of Decision dated October 21, 2025, and December 23, 2025.

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

Department's Exhibits:

- D-1 Notices of Decision dated December 23, 2025, and October 21, 2025
- D-2 SNAP 6 or 12 month contact form dated August 28, 2025
- D-3 Medicaid review form dated September 15, 2025
- D-4 Verification Checklist dated October 21, 2025
- D-5 Verification Checklist dated December 3, 2025
- D-6 Employment Statement from [REDACTED] (fax date September 23, 2025)
- D-7 Case Comments from Respondent's computer system

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 Supplemental Nutrition Assistance Program (SNAP) and Medicare Premium Assistance (MPA) Program benefits.
- 2) The Appellant submitted a SNAP redetermination form in August 2025 (Exhibits D-2 and D-7).
- 3) The review was processed and SNAP benefits were approved (Exhibit D-7).
- 4) The Respondent sent a Medicaid/MPA review form to the Appellant on September 15, 2025 (Exhibit D-3).
- 5) The Appellant's employer, [REDACTED], provided a statement to the Respondent on September 23, 2025, indicating that the Appellant was no longer employed with the company as of July 18, 2025. The form lists the Appellant's final date of pay as July 25, 2025 (Exhibit D-6).
- 6) The Appellant failed to submit the Medicaid/MPA review form and the Respondent sent her a Notice of Decision on October 21, 2025, indicating that her MPA benefits would close effective November 2025 because she failed to complete the redetermination (Exhibit D-1).
- 7) The Respondent also sent the Appellant a Verification Checklist on October 21, 2025, requesting "proof of good cause for losing employment, proof of the date this person lost employment, and proof of the end date of employment" for her SNAP case. The form stated that SNAP benefits would close by October 30, 2025, if the information was not provided (Exhibit D-4).
- 8) On November 4, 2025, the Appellant terminated the Appellant's SNAP benefits because the information requested on the Verification Checklist was not submitted.
- 9) The Respondent sent the Appellant a second copy of the Medicaid/MPA review form on November 7, 2025.
- 10) Appellant later submitted the Medicaid/MPA review form online and it was processed by the Respondent on December 3, 2025 (Exhibit D-3).

- 11) Exhibit D-3 appears to be a pre-populated form with information about the Appellant's former job at [REDACTED] and not a review form signed by the Appellant.
- 12) The Respondent sent the Appellant a Verification Checklist on December 3, 2025, requesting that the Appellant provide proof of her employment from [REDACTED] and proof of her checking account value by December 13, 2025 (Exhibit D-5).
- 13) On December 19, 2025, a Respondent worker wrote in Case Comments, "no pay stubs sent in updated" [sic] (Exhibit D-7).
- 14) The Respondent sent the Appellant a Notice of Decision on December 23, 2025, indicating that her MPA benefits were terminated because she did not submit all requested verification, specifically "proof of gross earned income, such as paystubs/employer statement" (Exhibit D-1).

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 7.2.1 states that 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 Chapter 7.7.2 states that 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.

West Virginia Income Maintenance Manual Chapter 7.2.4 states that 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...
- 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...

West Virginia Income Maintenance Manual Chapter 7.3.9 states that bank account balances must be verified at application and redetermination or when the client reports an increase for all programs subject to an asset test. Bank statements are considered acceptable verification for Medicaid purposes.

West Virginia Income Maintenance Manual Chapter 7.2.3 states:

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

West Virginia Income Maintenance Manual Chapter 4.4.1.A states:

There are two methods for reasonably anticipating the income the client expects to receive. One method uses past income and the other method uses future income. Both methods may be used for the same AG for the same certification period. The method used depends on the circumstances of each source of income.

Use past income only when both of the following conditions exist for a source of income:

- Income from the source is expected to continue into the certification period; and
- The amount of income from the same source is expected to be more or less the same. For these purposes, the same source of earned income means income from the same employer, not just the continued receipt of earned income.

West Virginia Income Maintenance Manual Chapter 4.4.1.B states:

The Worker must consider information about the client's income sources before deciding which income to use. The Worker must follow the steps below for each old income source.

Step 1: Determine the amount of income received by all persons in the Income Group (IG) in the 30 calendar days prior to the application/redetermination date, or interview date when the interview is completed on a different day than when the application is received.

The appropriate time period is determined by counting back 30 days beginning with the calendar day prior to the date of application/redetermination. However, if the interview is completed on a different day than when the date the application/redetermination is received, the 30-day look-back period could begin the day before the interview date. The income from this 30-day period is the minimum amount of income that must be considered. When, in the Worker's judgment, future

income may be more reasonably anticipated by considering the income from a longer period of time, the Worker considers income for the time period he determines to be reasonable. Whether the Worker considers income from the prior 30 days, or from a longer period of time, all of the income received from that source during that time period must be considered. All pay periods during the appropriate time period must be considered and must be consecutive.

If the client provided sufficient income verification on the date the application/redetermination is received, then additional verification is not required at interview.

The year-to-date amounts on check stubs may only be used when the client has verification of all payment amounts whether used or not but is missing one...

Step 2: Determine if the income from the previous 30 days is reasonably expected to continue into the new certification period.

If it is not expected to continue, the income from this source is no longer considered for use in the new certification period.

If it is expected to continue, determine if the amount is reasonably expected to be more or less the same. If so, the income source is used for the new certification period and treated according to Section 4.4.1.D below. If it is not expected to continue at more or less the same amount, the income source is used for the new certification period and treated according to Section 4.4.1.C below.

Step 3: Record the results of Step 2, including the amount of income, why the source is or is not being considered for the new certification period, the client's statement about continuation of the income from this source, the time period used, and, if more than the previous 30 days, the reason additional income was considered.

Once the Worker has determined all of the old sources of income to consider and the time period for which they are considered, he must then determine if any source should be considered for future income.

7 Code of Federal Regulations Section 273.2(f)(5), states, 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. However, the State agency has primary responsibility for verifying fleeing felon and parole or probation violator status in accordance with [§ 273.11\(n\)](#). If a SNAP applicant's attestation regarding disqualified felon status described in [§ 273.2\(o\)](#) is questionable, the State agency shall verify the attestation. Each element of a questionable attestation—that the individual has been convicted of a crime listed at [§ 273.11\(s\)](#), and that the individual is not in compliance with the terms of their sentence—shall be verified by the State agency. The State agency shall determine whether an attestation is questionable based on the standards established under [§ 273.2\(f\)\(2\)\(i\)](#). In conducting verifications of questionable attestations under this paragraph, the State agency shall establish reasonable, consistent standards, evaluate each case separately, and document the case file accordingly.

DISCUSSION

Policy states that past income should be used only when income from the source is expected to continue into the certification period and the amount of income from the same source is expected to be more or less the same. Verification is not required when the information is known or has been made available to the Department. The worker must not request verification if the case record or other documentation shows that verification has previously been supplied and should only request additional verification if information provided is incomplete or additional information is necessary to determine eligibility. 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.

██████████ submitted a statement to the Respondent on September 23, 2025, indicating that the Appellant was no longer employed as of July 18, 2025. The statement indicates that the Appellant's final pay was received on July 25, 2025. The Appellant testified that she received an additional pay after that date (likely in September 2025) because there was a delay in time sheet processing. The Verification Checklist sent to the Appellant on October 21, 2025, requested information from the Appellant concerning the end date of employment which was already known to the Respondent. The Respondent's representative indicated that the Department requested additional documentation to determine the Appellant's last receipt of income from the company, noting that employers may not always complete the form correctly.

The Verification Checklist sent to the Appellant on December 3, 2025, in conjunction with the Appellant's MPA redetermination requested income verification from ██████████ and verification of the Appellant's bank account. The review form submitted as evidence appears to be a form with pre-populated income information and is unsigned. As the loss of employment statement was provided to the Respondent on September 23, 2025, the Respondent was in possession of information verifying that the Appellant no longer worked at the agency at the time the review form was received.

The Appellant's income (with the exception of a pay delayed due to a technical issue) stopped in July 2025 and was not expected to continue. As the Respondent clearly had verification that the Appellant's employment was terminated in July 2025, information concerning continued income from that source was not required. Therefore, the Respondent's decision to terminate SNAP benefits effective December 2025 due to lack of verification cannot be affirmed. While income verification from the terminated source was not required for ongoing MPA benefits, the Respondent had also requested verification of the Appellant's bank account balance. There is no indication that this documentation was provided to the Respondent; however, the termination notice sent to the Appellant on December 23, 2025, states that MPA benefits were closed based on failure to provide income verification and makes no mention of the lack of asset documentation. Therefore, the Notice of Decision was incorrect and termination of MPA benefits cannot be affirmed.

CONCLUSIONS OF LAW

- 1) In calculating countable income, past income should only be used when income from the source is expected to continue into the certification period and the amount of income from the same source is expected to be more or less the same.
- 2) The Appellant's employment from [REDACTED] ended in July 2025; therefore, income verification from the terminated source was not necessary to determine ongoing SNAP eligibility.
- 3) The Respondent's decision to terminate the Appellant's SNAP benefits effective December 2025 was incorrect.
- 4) Bank account balances must be verified at application and redetermination or when the client reports an increase for Medicaid purposes.
- 5) There is no indication that the Appellant provided verification of her bank account balance as requested as part of her MPA redetermination.
- 6) The Respondent's December 23, 2025, Notice of Decision fails to list the requested bank account verification as the reason for MPA closure. Therefore, the Respondent's decision to terminate MPA benefits is incorrect.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's action to terminate the Appellant's SNAP benefits. It is the decision of the State Hearing Officer to **REVERSE** the Respondent's action to terminate the Appellant's MPA benefits. The case is **REMANDED** to the Respondent for the issuance of a proper MPA closure notice.

ENTERED this 14th day of January 2026.

**Pamela L. Hinzman
State Hearing Officer**