



STATE OF WEST VIRGINIA  
OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW

Sherri A. Young, DO, MBA, FAAFP  
Cabinet Secretary

Ann Vincent-Urling  
Interim Inspector General

March 7, 2024

[REDACTED]

RE: [REDACTED] v. WV DoHS BFA  
ACTION NO.: 24-BOR-1119

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 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,

Todd Thornton  
State Hearing Officer  
Member, State Board of Review

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

cc: Derek Cochran, Department Representative

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

██████████,

**Appellant,**

v.

**Action Number: 24-BOR-1119**

**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 February 15, 2024, on a timely appeal filed January 12, 2024.

The matter before the Hearing Officer arises from the December 27, 2023 decision by the Respondent to deny the Appellant’s application for Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Derek Cochran. The Appellant was self-represented. All witnesses were sworn and no documents were admitted into evidence by either party.

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 on or about November 27, 2023.
- 2) The Respondent needed information about the Appellant’s unearned income amounts.

- 3) To obtain this information, the Respondent issued a verification checklist, requesting the Appellant provide income documentation and a Social Security number for the Appellant's deceased spouse.
- 4) The Respondent requested the Social Security number of the Appellant's deceased spouse to determine Social Security survivors' benefits paid to her.
- 5) The Respondent could not determine this income amount from the Social Security number provided by the Appellant.
- 6) The Respondent subsequently requested award letters from the Appellant to verify her Social Security income and Veteran's Administration income.
- 7) On or about December 27, 2023, the Respondent denied the Appellant's SNAP application for failure to provide income information needed to determine SNAP eligibility.

### **APPLICABLE POLICY**

**West Virginia Income Maintenance Manual (WVIMM), Chapter 7, §7.2.3, details client responsibilities in the eligibility verification process, 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, Chapter 7, §7.2.4, details worker responsibilities in the eligibility verification process, and provides in part (emphasis added):**

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.**

...

**WVIMM, Chapter 7, §7.3, provides a table of verification requirements by information type and program. At §7.3.42, this table shows that Unearned Income must be verified for all programs, and that it must be verified prior to approval, at redetermination, or when a change in the source or amount is reported.**

**WVIMM, §9.2.1, addresses the DFA-6 form used for information needed for eligibility determination, and provides in part:**

The DFA-6 may be used during any phase of the eligibility determination process. At the time of application, it is given or mailed to the applicant to notify him of information or verification he must supply to establish eligibility...If the client fails to adhere to the requirements detailed on the DFA-6, the application is denied or the deduction disallowed, as appropriate...This form also notifies the client that his application will be denied, or a deduction disallowed, if he fails to provide the requested information by the date specified on the form. The Worker determines the date to enter to complete the sentence, "If this information is not made available to this office by \_\_\_\_\_..." as follows.

**WVIMM, §9.2.1.A, specifies that for SNAP, "The date entered in the DFA-6 must be 10 days from the date of issuance."**

**Code of Federal Regulations, Title 7 CFR §273.2(d)(1), provides:**

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. If there is any question as to whether the household has merely failed to cooperate, as opposed to refused to cooperate, the household shall not be denied, and the agency shall provide assistance required by paragraph (c)(5) of this section. The household shall also be

determined ineligible if it refuses to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes and applications for recertification. Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until it cooperates with the State agency. The State agency shall not determine the household to be ineligible when a person outside of the household fails to cooperate with a request for verification. The State agency shall not consider individuals identified as nonhousehold members under § 273.1(b)(2) as individuals outside the household.

**Code of Federal Regulations, Title 7 CFR §§ 273.2(f) – 273.2(f)(1)(i), provides:**

**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.

**DISCUSSION**

The Appellant requested a hearing to appeal the Respondent's decision to deny the Appellant's SNAP application based on failure to verify income information. The Respondent must show, by a preponderance of the evidence, that it correctly denied the Appellant's SNAP application on this basis.

Neither party provided documentary evidence for the hearing. The Appellant applied for SNAP benefits in November 2023, and the Respondent worker processed the SNAP application on November 27, 2023. The Respondent required income verification to complete the eligibility determination and requested this information from the Appellant. Because the Respondent maintains a data exchange with the Social Security Administration (SSA), the Respondent asked the Appellant to provide a Social Security number for her deceased spouse to possibly obtain the information from the data exchange without requiring more burdensome verification on the Appellant's part. When the Social Security number was provided and the Respondent was unable to determine the Appellant's survivor benefits, the Respondent asked for direct verification from the SSA. The Appellant did not provide the unearned income verification needed and the Respondent denied the Appellant's SNAP application on this basis.

The Respondent attempted to provide the least burdensome method for obtaining necessary income verification. When this did not assist in verifying the income, the Respondent asked for direct verification in the form of an award letter or other direct agency documentation. The Respondent is required to verify household income, and the items requested were not merely for determining deduction amounts. The Appellant contended that an application she made for another public assistance program should have the necessary income amounts, but policy requires this income verified “prior to approval.” The Appellant argued that she did not have enough time to obtain the information, but the Respondent allowed more than the ten (10) days required by State policy and the Code of Federal Regulations. The Respondent took the Appellant’s initial application on or about November 27, 2023, and denied the application for unverified information on or about December 27, 2023.

The Board of Review is bound by agency policy and does not create policy or make policy exceptions. Policy requires the Appellant’s household income be verified and allows for application denial in instances where necessary information is not verified. Because household income is used for two income tests prior to its use in determining SNAP benefit levels, an application must be denied when income is not verified. The Respondent correctly denied the Appellant’s SNAP application for failure to verify necessary information for determining SNAP eligibility.

### **CONCLUSION OF LAW**

Because the Appellant failed to verify information necessary to determine SNAP eligibility, the Respondent must deny the Appellant’s SNAP application.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the decision of the Respondent to deny the Appellant’s application for Supplemental Nutrition Assistance Program (SNAP) benefits.

**ENTERED this \_\_\_\_\_ day of March 2024.**

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**Todd Thornton  
State Hearing Officer**