



March 28, 2024

[REDACTED]

RE: [REDACTED] v. WVDOHS
ACTION NO.: 24-BOR-1573

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 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: Carla Marsh, DoHS

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

██████████,

Appellant,

v.

Action Number: 24-BOR-1573

**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 West Virginia Office of Inspector General Common Chapters Manual. This fair hearing was convened on March 27, 2024.

The matter before the Hearing Officer arises from the Respondent's termination of Supplemental Nutrition Assistance Program (SNAP) benefits as outlined in a notice dated February 14, 2024.

At the hearing, the Respondent appeared by Carla Marsh, Economic Service Worker Senior, WVDoHS. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 SNAP 6 or 12 Month Contact Form submitted to Respondent on January 30, 2024
- D-2 West Virginia Income Maintenance Manual Chapter 7.2.3
- D-3 Notice of Decision dated February 14, 2024

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) benefits.
- 2) The Appellant completed a SNAP 6 or 12 Month Contact Form for her case redetermination in January 2024 (Exhibit D-1).
- 3) The Appellant checked a box on Section 5 of the Contact Form to indicate that she had a change in unearned income, or her unearned income increased or decreased by more than \$125 since she last reported a change.
- 4) The Respondent sent the Appellant a Verification Checklist on January 31, 2024, requesting unearned income documentation. The Verification Checklist was not entered into evidence by the Respondent because it could not be printed due to a computer system issue, but the Appellant did not dispute its issuance.
- 5) The Respondent sent the Appellant a Notice of Decision on February 14, 2024, informing her that SNAP benefits would be terminated effective March 2024 because she did not turn in the requested verification.

APPLICABLE POLICY

Code of Federal Regulations 7 CFR § 273.14 states that no SNAP household may participate in the program beyond the expiration of the certification period assigned in accordance with [§ 273.10\(f\)](#) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

West Virginia Income Maintenance Manual Chapter 7.2.3 (Exhibit D-2) states that the primary responsibility for providing verification rests with the client. It is an eligibility requirement that the client cooperate in obtaining necessary verifications. The client is expected to provide information to which he has access or sign authorizations needed to obtain other information. Failure of the client to provide necessary 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.

DISCUSSION

Policy states that no SNAP household may participate in the program beyond the expiration of the certification period without a determination of eligibility for a new period. Failure of the client to provide necessary information to determine eligibility results in denial of the application or closure of the active case.

The Respondent's representative testified that the Appellant's SNAP benefits were terminated because she indicated on her SNAP 6 or 12 Month Contact Form that she had a new source of unearned income and/or her unearned income had changed by more than \$125.

The Appellant testified that she had no earned or unearned income at the time she submitted the redetermination form and that she had checked off the unearned income change box in error. She indicated that she had filled out the form quickly because people were in line behind her and she had not intended to check off that section.

The Respondent's representative testified that the Department would reopen the Appellant's SNAP case based on clarification provided by the Appellant during the hearing.

The Respondent acted correctly in terminating the Appellant's SNAP benefits effective March 2024 based on failure to verify information reported on the SNAP Contact Form. However, the Respondent noted during the hearing that SNAP benefits would be reinstated based on clarification received during the hearing.

CONCLUSIONS OF LAW

- 1) Failure of a client to provide necessary information to determine SNAP eligibility results in denial of the application or closure of the active case.
- 2) The Appellant completed a SNAP Contact Form in January 2024 and reported unearned income and/or a change in unearned income.
- 3) The Respondent requested verification of unearned income based on information provided by the Appellant on the Contact Form.
- 4) The Appellant failed to provide verification requested by the Respondent or to provide clarification concerning the issue of unearned income.
- 5) The Respondent's decision to terminate SNAP benefits effective March 2024 was correct.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to terminate SNAP benefits effective March 2024.

ENTERED this 28th day of March 2024.

**Pamela L. Hinzman
State Hearing Officer**