



STATE OF WEST VIRGINIA
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

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

Ann Vincent-Uriling
Interim Inspector General

March 6, 2024

[REDACTED]

RE: [REDACTED] v. WV DoHS
ACTION NO.: 23-BOR-3760

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,

Lori Woodward, J.D.
Certified State Hearing Officer
Member, State Board of Review

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

cc: Ann Hubbard, WV DoHS, BFA

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

████████████████████

Appellant,

v.

Action Number: 23-BOR-3760

**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 28, 2024.

The matter before the Hearing Officer arises from the November 29, 2023 determination by the Respondent regarding the Appellant's Supplemental Nutrition Assistance Program (SNAP) monthly benefits.

At the hearing, the Respondent appeared by Peter VanKleeck, Family Services Supervisor. The Appellant appeared *pro se*. The witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 SNAP Application, scan date November 14, 2023
- D-3 WV State Online Query, RSDI Information Response, ██████████
- D-4 Verification request (NCHK), dated November 14, 2023
- D-5 Social Security Administration Retirement, Survivors and Disability Insurance statement, dated September 12, 2023
- D-6 Residential Lease Agreement, scan date November 21, 2023
- D-7 Notice of eligibility determination (for month of November, 2023), dated November 29, 2023
- D-8 Notice of eligibility determination (for month of December, 2023 and ongoing), dated November 29, 2023

- D-9 eRAPIDS production screen print SNAP budget for November 2023
- D-10 eRAPIDS production screen print SNAP budget for December 2023
- D-11 WV Income Maintenance Manual, Chapter 3, §3.2.1.A.2

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 is a recipient of SNAP benefits in an assistance group (AG) of two, himself and his spouse, [REDACTED]
- 2) The Respondent submitted a SNAP application on November 13, 2023. (Exhibit D-2)
- 3) On November 14, 2023, the Respondent completed a telephone interview and was requested to verify rent and Social Security Administration (SSA) income. (Exhibit D-4)
- 4) The Appellant submitted verification that he will not receive income from the SSA until April 2026. (Exhibit D-5)
- 5) The Appellant submitted a "Residential Lease Agreement" showing his spouse as the "Landlord" renting a room in the same household to the Appellant as the "Tenant". (Exhibit D-3)
- 6) The Appellant and his spouse live at the same residence and remain married.
- 7) On November 29, 2023, the Respondent sent notifications of SNAP approval for the months of November and December 2023. (Exhibits D-7 and D-8)
- 8) The Appellant has not received his Electronic Benefit Transfer (EBT) card as of the date of the hearing.
- 9) During the hearing, the Respondent's representative issued a request for a new EBT card to be sent to the Appellant.
- 10) The Appellant had no dispute with the actions of the Respondent in issuing his SNAP benefits.
- 11) The Appellant was contesting actions of the SSA.

APPLICABLE POLICY

Code of Federal Regulations, 7 CFR §273.15(a):

Availability of hearings. Except as provided in §271.7(f), each State agency shall provide a fair hearing to any household **aggrieved by any action of the State agency** which affects the participation of the household in the Program. [Emphasis added]

WV Common Chapters 700, §710.20.A.2, Dismissal; Withdrawal; or Abandonment of a Hearing: Dismissal – a request for hearing may be dismissed if ... the issue of the appeal has been resolved or becomes moot.

DISCUSSION

Notification of the Appellant's SNAP eligibility was sent by the Respondent on November 29, 2023. It was determined during the hearing that the Appellant had no issues on the Respondent's actions. However, the Appellant had several complaints regarding the actions/inactions of the SSA.

It was explained to the Appellant that the Board of Review did not have jurisdiction or authority over the actions/inactions of the SSA and therefore, no relief could be granted by the Board of Review. The Appellant reiterated that he had no "issues" with the Respondent's actions. It should be noted that during the hearing it was discovered that the Appellant had not received his EBT card as of the date of the hearing. Prior to the adjournment of the hearing, the Respondent's representative submitted a request for a new EBT card to be sent to the Appellant to his address on record.

CONCLUSIONS OF LAW

- 1) Federal regulations expressly requires that each State agency provide a fair hearing to any household aggrieved by any action of the State agency which affects the participation of the household in the Program.
- 2) The Appellant's grievances are with respect to the actions/inactions of the SSA, a federal agency.
- 3) The Board of Review lacks jurisdiction or authority over actions/inactions of the SSA.
- 4) State policy allows for the dismissal of hearing requests if the issue on appeal is moot.
- 5) The Appellant expressly stated that he is not aggrieved by the actions of the Respondent in the determination of his SNAP eligibility.

DECISION

As the Appellant is not aggrieved by any action of the Respondent, the Respondent's November 29, 2023 SNAP decision is herein affirmed and **UPHELD**. It is further ordered that the Appellant's request for hearing be **DISMISSED** for lack of jurisdiction over the grievances made against the SSA, a federal agency.

ENTERED this 6th day of March 2024

Lori Woodward, Certified State Hearing Officer