



Esta es la decision de su Audiencia Imparcial. La decision del Departamento ha sido confirmada/invertido/remitido. Si usted tiene preguntas, por favor llame a 304-267-0100

April 3, 2024

[REDACTED]

RE: [REDACTED] v. WV DOHS
ACTION NO.: 24-BOR-1616

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,

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

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

cc: Anna Yoder, WV DOHS, BFA

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

████████████████████,

Appellant,

v.

Action Number: 24-BOR-1616

**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 March 27, 2024.

The matter before the Hearing Officer arises from the February 13, 2024 decision by the Respondent to disallow shelter costs in its calculation of the Appellant's Supplemental Nutrition Assistance Program (SNAP) monthly benefit allotment.

At the hearing, the Respondent appeared by Anna Yoder. The Appellant appeared *pro se*. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Verification Checklist (DFA-6), dated July 7, 2023
- D-3 Lease agreement, scan date July 20, 2023
- D-4 Notice of SNAP eligibility (ED13), dated February 13, 2024
- D-5 Notice of SNAP approval, dated August 7, 2023
- D-6 WV Income Maintenance Manual (IMM), Chapter 7, §7.2.3
- D-7 WV Income Maintenance Manual (IMM), Chapter 7, §7.3 (excerpt)

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 in June 2023.
- 2) On July 7, 2023, the Respondent requested verification of the Appellant's rent by providing a copy of the Appellant's lease/mortgage statement, HUD contract, rent receipts or a statement written by the individual paid, which also included the Appellant's name, address, cost, and the name and phone number to whom payments are made. (Exhibit D-2)
- 3) The shelter verification was due by July 18, 2023. (Exhibit D-2)
- 4) On July 20, 2023, the Appellant returned a copy of her lease agreement, which included all of the requested information except for the phone number to whom she paid the shelter cost. (Exhibit D-3)
- 5) On August 7, 2023, the Appellant's SNAP application was approved with no shelter deduction allowed. (Exhibit D-5)
- 6) On February 13, 2024, the Appellant received notification that her SNAP benefits would remain the same. Shelter costs were excluded from the calculations. (Exhibit D-4)
- 7) On March 5, 2024, the Appellant requested a hearing on the disallowance of her shelter costs in the calculation of her SNAP benefit allotment. (Exhibit D-1)

APPLICABLE POLICY

Code of Federal Regulations – 7 CFR §273.9, in part:

(a) ***Income eligibility standards.*** Participation in SNAP shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for SNAP. Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for SNAP. Households which are categorically eligible do not have to meet either the gross or net income eligibility standards.

...

(6) ***Shelter costs*** —

(i) ***Homeless shelter deduction.*** A State agency may provide a standard homeless shelter deduction of \$143 a month to households in which all members are homeless

individuals but are not receiving free shelter throughout the month. The deduction must be subtracted from net income in determining eligibility and allotments for the households.

(ii) **Excess shelter deduction.** Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in [paragraphs \(d\)\(1\) through \(d\)\(5\)](#) of this section have been allowed. If the household does not contain an elderly or disabled member, as defined in [§271.2 of this chapter](#), the shelter deduction cannot exceed the maximum shelter deduction limit established for the area. For fiscal year 2001, effective March 1, 2001, the maximum monthly excess shelter expense deduction limits are \$340 for the 48 contiguous States and the District of Columbia, \$543 for Alaska, \$458 for Hawaii, \$399 for Guam, and \$268 for the Virgin Islands. FNS will set the maximum monthly excess shelter expense deduction limits for fiscal year 2002 and future years by adjusting the previous year's limits to reflect changes in the shelter component and the fuels and utilities component of the Consumer Price Index for All Urban Consumers for the 12-month period ending the previous November 30. FNS will notify State agencies of the amount of the limit. Only the following expenses are allowable shelter expenses:

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.

Code of Federal Regulations – 7 CFR §273.15(g):

Time period for requesting hearing. A household shall be allowed to request a hearing on any action by the State agency or loss of benefits which occurred in the prior 90 days. Action by the State agency shall include a denial of a request for restoration of any benefits lost more than 90 days but less than a year prior to the request. In addition, at any time within a certification period a household may request a fair hearing to dispute its current level of benefits.

WV Income Maintenance Manual Chapter 7, §7.2.3, Client Responsibilities, 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

WV Income Maintenance Manual Chapter 7, §7.2.1, When Verification Is Required, in part:

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:
 - Inconsistent with other information provided; or
 - Inconsistent with the information in the case file; or
 - Inconsistent with information received by the Department of Human Services (DOHS) from other sources; or
 - Incomplete; or
 - Obviously inaccurate; or
 - 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.

WV Income Maintenance Manual Chapter 7, §7.3.25, Shelter Expenses:

Verification for shelter expenses for SNAP applications and redetermination, or when an individual reports a change of shelter expense. **Acceptable verification must include the name and phone number of the landlord, the obligation amount, and the actual paid amount.** Shelter expense verifications do not require a landlord's signature. Acceptable verification is not limited to any single type of document and is obtained from the household or other source. When the customer cannot obtain information from a primary source of verification, the worker can then accept a secondary source. When a customer cannot obtain any verification of shelter expense, it is necessary for the worker to obtain a shelter attestation form from the customer. If a lease or rental agreement provided by the customer is older than 1 year, the customer must also complete a shelter attestation form. The worker must provide or mail the shelter attestation form to the customer to complete and must record why the shelter attestation form was used. Primary Sources of Verification:

- Current lease/rental agreements within 1 year of the application/review date
- Document on official letterhead from an office or agency. This includes offices or agencies working on behalf of the landlord
- HUD contracts/renewals Secondary Sources of Verification
- Handwritten notes/letters
- Rent receipts/Money Orders

[Emphasis added]

DISCUSSION

Federal regulations allow a household to request a fair hearing at any time during a certification period to dispute its current level of benefits. The Appellant applied for SNAP benefits in June 2023. On July 7, 2023, the Respondent's worker requested verification of the Appellant's shelter costs, to include the name, address and the amount she was responsible for every month in addition to the name and phone number of the individual/company to whom she made payments. This verification was due by July 18, 2023. On July 20, 2023, the Appellant submitted a copy of her lease agreement with all of the requested verification except for the phone number of her landlord. On August 6, 2023, the Respondent approved the Appellant's SNAP application. The shelter costs were disallowed.

On February 13, 2024, the Respondent sent notification to the Appellant that her SNAP benefit amount would remain the same. At that time, the Appellant noticed that her shelter costs were not included in the calculation of her SNAP allotment. On March 5, 2024, the Appellant requested a hearing to dispute the Respondent's disallowance of her shelter costs.

The Appellant testified that she had been trying to contact the Respondent to provide her landlord's telephone number. The evidence showed that the Appellant failed to provide the needed information in July when it was requested. It was only recently that the Appellant attempted to contact the Respondent by telephone to provide this information. It is noted that the Appellant did not attempt to go into her local office or mail-in this information.

Because the Appellant did not provide the requested information needed to verify her shelter costs, this deduction was correctly disallowed in the calculation of her SNAP benefits. However, this does not preclude the Appellant from providing all of the necessary information regarding her shelter costs to the Respondent for consideration moving forward.

CONCLUSIONS OF LAW

- 1) Per policy, at each application and redetermination, or when an individual reports a change of shelter expense, verification is required. If the requested verification is not provided, then the expense will be disallowed.
- 2) The Appellant did not return all the requested information needed to verify her shelter costs.
- 3) The Respondent correctly disallowed the Appellant's shelter costs in calculating her monthly SNAP benefit allotment.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to disallow the Appellant's shelter costs in calculating her monthly SNAP benefit allotment.

ENTERED this 3rd day of April 2024.

Lori Woodward, Certified State Hearing Officer