



May 1, 2024

[REDACTED]

RE: [REDACTED] v. WVDoHS  
ACTION NO.: 24-BOR-1890

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,

Eric L. Phillips  
State Hearing Officer  
Member, State Board of Review

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

cc: Jill Lester-Hill, BFA

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

████████████████████,

**Appellant,**

v.

**Action Number: 24-BOR-1890**

**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 April 24, 2024, on appeal filed March 25, 2024.

The matter before the Hearing Officer arises from the March 1, 2024 decision by the Respondent to terminate the Appellant's eligibility for the Supplemental Nutrition Assistance Program (SNAP).

At the hearing, the Respondent appeared by Jill Lester-Hill, Economic Service Worker. The Appellant appeared pro se. Appearing as a witness for the Appellant was ██████████, the Appellant's Great-Grandmother. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Verification Checklist dated January 18, 2024 \*Evidence missing pages
- D-2 Change Report Form dated December 11, 2023
- D-3 Pay Verification dated December 1, 2023
- D-4 Returned Verification Checklist dated January 31, 2024
- D-5 Employer's Statement and 2023 Wage and Tax Statement
- D-6 Employer's Statement
- D-7 Notice of Decision dated March 1, 2024
- D-8 West Virginia Income Maintenance Manual Chapters 1.3.1 and 7.2.3

**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 SNAP benefits.
- 2) On December 11, 2023, the Appellant reported his employment with [REDACTED], beginning November 20, 2023. (Exhibit D-2)
- 3) On January 18, 2024, the Respondent requested that the Appellant provide verification of his employment (Exhibit D-2 and Exhibit D-4) by January 27, 2024.
- 4) On January 31, 2024, the Appellant reported the loss of employment with [REDACTED], effective January 1, 2024. (Exhibit D-4)
- 5) On January 31, 2024, the Appellant returned an Employment Statement and his 2023 Wage and Tax Statement from [REDACTED]. (Exhibit D-5)
- 6) The Respondent did not accept the January 31, 2024 verifications provided by the Appellant. (Exhibit D-5)
- 7) On March 1, 2024, the Respondent issued a Notice of Decision informing the Appellant that his SNAP benefits would terminate effective April 1, 2024 because he did not “turn in all requested information.”
- 8) On March 24, 2024, the Respondent submitted an Employment Statement (Exhibit D-6) which failed to document a reason for separation and Employer’s Name and Title.
- 9) The Respondent did not accept the March 24, 2024 verifications provided by the Appellant. (Exhibit D-6)

**APPLICABLE POLICY**

West Virginia Income Maintenance Manual 10.4.2 documents:

All SNAP assistance groups (AGs) must report changes related to eligibility and benefit amount at application and redetermination. SNAP AGs are subject to

limited reporting requirements, and the reporting requirements in this section apply to recipient AGs only. The reporting requirements for SNAP clients are only for SNAP benefits and do not affect the reporting requirements of any other program of assistance that the AG also receives.

Regardless of the SNAP reporting requirement, all changes reported directly by an AG member, the AG's authorized representative and/or authorized Electronic Benefits Transfer (EBT) cardholder, or from a source that is listed as verified upon receipt below must be acted on, even if the AG is not required to report the information.

The AG is not required to report any periodic cost-of-living increases in federal benefits, such as the yearly increase in Retirement, Survivors, and Disability Insurance (RSDI), Supplemental Security Income (SSI), Black Lung, or Veterans Affairs (VA) benefits. This exception only applies to mass changes, not to an individual change affecting the level of a client's benefits. See "Other Types of Changes" below.

When reported information results in a change in benefits and additional or clarifying information is needed, the Worker must first request the information by using the DFA-6 or verification checklist. If the client does not provide the information within the time frame specified by the Worker, the appropriate action is taken after advance notice. Each reported change is evaluated independently for the appropriate action to be taken. When a reported change results in the change of the certification period, the client must receive advance notice of the change.

West Virginia Income Maintenance Manual 10.4.2.B documents:

Unclear information is any information received from any source with which the Worker cannot readily determine the effect of the reported information on the household's benefit. The Worker must pursue clarification and required verification of unclear information related to these reported changes. Additional information requested from the applicant is due 10 calendar days from the date of the DFA-6 or verification checklist.

West Virginia Income Maintenance Manual 7.2.3 documents:

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.

West Virginia Income Maintenance Manual 7.2.4 documents:

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.
- If the client is unsuccessful in obtaining information, or if physical or mental limitations prevent his compliance, and there is no one to assist him, the Worker must document attempts to obtain the verification.
- 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.
- If the client requests a receipt for verification, one must be provided.
- When the client alleges sexual harassment and domestic violence, sexual assault, and stalking, the Worker, in order to ensure the safety of the individual, must never contact the abuser, his relatives, or friends. See Section 7.3.16 for acceptable method of verification in sexual harassment and domestic violence, sexual assault, and stalking situations.
- When the Worker must make collateral contact, such as but not limited to, a client's employer, the Worker must not disclose the client's status as an applicant/client of a DOHS program.
- When the Worker receives information about the SNAP AG during the certification period that requires additional clarification or verification, the Worker may send a DFA-6 or may request, but not require, the client report to the office for an interview.

Code of Federal Regulations § 273.2 documents:

**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.

(ii) *Alien eligibility.*

(A) The State agency shall verify the eligible status of all aliens applying for SNAP benefits by using an immigration status verification system established under section 1137 of the Social Security Act ([42 U.S.C. 1320b-7](#)). FNS may require State agencies to provide written confirmation from USCIS that the system used by the State is an immigration status verification system established under section 1137 of the Social Security Act. If an alien does not wish the State agency to contact USCIS to verify his or her immigration status, the State agency must give the household the option of withdrawing its application or participating without that member. The Department of Justice (DOJ) Interim Guidance On Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Interim Guidance) ([62 FR 61344](#), November 17, 1997) contains information on acceptable documents and USCIS codes. State agencies should use the Interim Guidance until DOJ publishes a final rule on this issue. Thereafter, State agencies should consult both the Interim Guidance and the DOJ final rule. Where the Interim Guidance and the DOJ final rule conflict, the latter should control the verification of alien eligibility. As provided in [§ 273.4](#), the following information may also be relevant to the eligibility of some aliens: date of admission or date status was granted; military connection; battered status; if the alien was lawfully residing in the United States on August 22, 1996; membership in certain Indian tribes; if the person was age 65 or older on August 22, 1996; if a lawful permanent resident can be credited with 40 qualifying quarters of covered work and if any Federal means-tested public benefits were received in any quarter after December 31, 1996; or if the alien was a member of certain Hmong or Highland Laotian tribes during a certain period of time or is the spouse or unmarried dependent of such a person. The State agency must also verify these factors, if applicable to the alien's eligibility. The SSA Quarters of Coverage History System (QCHS) is available for purposes of verifying whether a lawful permanent resident has earned or can receive credit for a total of 40 qualifying quarters. However, the QCHS may not show all qualifying quarters. For instance, SSA records do not show current year earnings and in some cases the last year's earnings, depending on the time of request. Also, in some cases, an applicant may have work from uncovered employment that is not documented by SSA, but is countable toward the 40 quarters test. In both these cases, the individual, rather than SSA, would need to provide the evidence needed to verify the quarters.

(B) An alien is ineligible until acceptable documentation is provided unless:

(1) The State agency has submitted a copy of a document provided by the household to USCIS for verification. Pending such verification, the State agency cannot delay, deny, reduce or terminate the individual's eligibility for benefits on the basis of the individual's immigration status; or

(2) The applicant or the State agency has submitted a request to SSA for information regarding the number of quarters of work that can be credited to the individual, SSA has responded that the individual has fewer than 40 quarters, and the individual provides documentation from SSA that SSA is conducting an investigation to determine if more quarters can be credited. If SSA indicates that the number of qualifying quarters that can be credited is under investigation, the State agency must certify the individual pending the results of the investigation for up to 6 months from the date of the original determination of insufficient quarters; or

(3) The applicant or the State agency has submitted a request to a Federal agency for verification of information which bears on the individual's eligible alien status. The State agency must certify the individual pending the results of the investigation for up to 6 months from the date of the original request for verification.

(C) The State agency must provide alien applicants with a reasonable opportunity to submit acceptable documentation of their eligible alien status as of the 30th day following the date of application. A reasonable opportunity must be at least 10 days from the date of the State agency's request for an acceptable document. When the State agency fails to provide an alien applicant with a reasonable opportunity as of the 30th day following the date of application, the State agency must provide the household with benefits no later than 30 days following the date of application, provided the household is otherwise eligible.

(iii) **Utility expenses.** The State agency shall verify a household's utility expenses if the household wishes to claim expenses in excess of the State agency's utility standard and the expense would actually result in a deduction. If the household's actual utility expenses cannot be verified before the 30 days allowed to process the application expire, the State agency shall use the standard utility allowance, provided the household is entitled to use the standard as specified in [§ 273.9\(d\)](#). If the household wishes to claim expenses for an unoccupied home, the State agency shall verify the household's actual utility expenses for the unoccupied home in every case and shall not use the standard utility allowance.

(iv) **Medical expenses.** The amount of any medical expenses (including the amount of reimbursements) deductible under [§ 273.9\(d\)\(3\)](#) shall be verified prior to initial certification. Verification of other factors, such as the allowability of services provided or the eligibility of the person incurring the cost, shall be required if questionable.

(v) ***Social security numbers.*** The State agency shall verify the social security number(s) (SSN) reported by the household by submitting them to the Social Security Administration (SSA) for verification according to procedures established by SSA. The State agency shall not delay the certification for or issuance of benefits to an otherwise eligible household solely to verify the SSN of a household member. Once an SSN has been verified, the State agency shall make a permanent annotation to its file to prevent the unnecessary reverification of the SSN in the future. The State agency shall accept as verified an SSN which has been verified by another program participating in the IEVS described in [§ 272.8](#). If an individual is unable to provide an SSN or does not have an SSN, the State agency shall require the individual to submit Form SS-5, Application for a Social Security Number, to the SSA in accordance with procedures in [§ 273.6](#). A completed SSA Form 2853 shall be considered proof of application for an SSN for a newborn infant.

(vi) ***Residency.*** The residency requirements of [§ 273.3](#) shall be verified except in unusual cases (such as homeless households, some migrant farmworker households, or households newly arrived in a project area) where verification of residency cannot reasonably be accomplished. Verification of residency should be accomplished to the extent possible in conjunction with the verification of other information such as, but not limited to, rent and mortgage payments, utility expenses, and identity. If verification cannot be accomplished in conjunction with the verification of other information, then the State agency shall use a collateral contact or other readily available documentary evidence. Documents used to verify other factors of eligibility should normally suffice to verify residency as well. Any documents or collateral contact which reasonably establish the applicant's residency must be accepted and no requirement for a specific type of verification may be imposed. No durational residency requirement shall be established.

(vii) ***Identity.*** The identity of the person making application shall be verified. Where an authorized representative applies on behalf of a household, the identity of both the authorized representative and the head of household shall be verified. Identity may be verified through readily available documentary evidence, or if this is unavailable, through a collateral contact. Examples of acceptable documentary evidence which the applicant may provide include, but are not limited to, a driver's license, a work or school ID, an ID for health benefits or for another assistance or social services program, a voter registration card, wage stubs, or a birth certificate. Any documents which reasonably establish the applicant's identity must be accepted, and no requirement for a specific type of document, such as a birth certificate, may be imposed.

(viii) ***Disability.***

(A) The State agency shall verify disability as defined in [§ 271.2](#) as follows:



(1) For individuals to be considered disabled under paragraphs (2), (3) and (4) of the definition, the household shall provide proof that the disabled individual is receiving benefits under titles I, II, X, XIV or XVI of the Social Security Act.

(2) For individuals to be considered disabled under paragraph (6) of the definition, the household must present a statement from the Veterans Administration (VA) which clearly indicates that the disabled individual is receiving VA disability benefits for a service-connected or non-service-connected disability and that the disability is rated as total or paid at the total rate by VA.

(3) For individuals to be considered disabled under paragraphs (7) and (8) of the definition, proof by the household that the disabled individual is receiving VA disability benefits is sufficient verification of disability.

(4) For individuals to be considered disabled under paragraphs (5) and (9) of the definition, the State agency shall use the Social Security Administration's (SSA) most current list of disabilities considered permanent under the Social Security Act for verifying disability. If it is obvious to the caseworker that the individual has one of the listed disabilities, the household shall be considered to have verified disability. If disability is not obvious to the caseworker, the household shall provide a statement from a physician or licensed or certified psychologist certifying that the individual has one of the nonobvious disabilities listed as the means for verifying disability under paragraphs (5) and (9) of the definition.

(5) For individuals to be considered disabled under paragraph (10) of the definition, the household shall provide proof that the individual receives a Railroad Retirement disability annuity from the Railroad Retirement Board *and* has been determined to qualify for Medicare.

(6) For individuals to be considered disabled under paragraph (11) of the definition, the household shall provide proof that the individual receives interim assistance benefits pending the receipt of Supplemental Security Income; or disability-related medical assistance under title XIX of the SSA; or disability-based State general assistance benefits. The State agency shall verify that the eligibility to receive these benefits is based upon disability or blindness criteria which are at least as stringent as those used under title XVI of the Social Security Act.

(B) For disability determinations which must be made relevant to the provisions of [§ 273.1\(a\)\(2\)\(ii\)](#), the State agency shall use the SSA's most current list of disabilities as the initial step for verifying if an individual has a disability considered permanent under the Social Security Act. However, only those individuals who suffer from one of the disabilities mentioned in the SSA list who are unable to purchase and prepare meals because of such disability shall be considered disabled for the purpose of this provision. If it is obvious to the caseworker that the individual is unable to purchase and prepare meals because he/she suffers from a severe physical or mental disability, the individual shall be considered disabled for the purpose of

the provision even if the disability is not specifically mentioned on the SSA list. If the disability is not obvious to the caseworker, he/she shall verify the disability by requiring a statement from a physician or licensed or certified psychologist certifying that the individual (in the physician's/psychologist's opinion) is unable to purchase and prepare meals because he/she suffers from one of the nonobvious disabilities mentioned in the SSA list or is unable to purchase meals because he/she suffers from some other severe, permanent physical or mental disease or nondisease-related disability. The elderly and disabled individual (or his/her authorized representative) shall be responsible for obtaining the cooperation of the individuals with whom he/she resides in providing the necessary income information about the others to the State agency for purposes of this provision.

(ix) State agencies shall verify all factors of eligibility for households who have been terminated for refusal to cooperate with a State quality control reviewer, and reapply after 95 days from the end of the annual review period. State agencies shall verify all factors of eligibility for households who have been terminated for refusal to cooperate with a Federal quality control reviewer and reapply after seven months from the end of the annual review period.

(x) ***Household composition.*** State agencies shall verify factors affecting the composition of a household, if questionable. Individuals who claim to be a separate household from those with whom they reside shall be responsible for proving that they are a separate household to the satisfaction of the State agency. Individuals who claim to be a separate household from those with whom they reside based on the various age and disability factors for determining separateness shall be responsible for proving a claim of separateness (at the State agency's request) in accordance with the provisions of [§ 273.2\(f\)\(1\)\(viii\)](#).

(xi) ***Students.*** If a person claims to be physically or mentally unfit for purposes of the student exemption contained in [§ 273.5\(b\)\(2\)](#) and the unfitness is not evident to the State agency, verification may be required. Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by governmental or private sources, or of a statement from a physician or licensed or certified psychologist.

(xii) ***Legal obligation and actual child support payments.*** The State agency shall obtain verification of the household's legal obligation to pay child support, the amount of the obligation, and the monthly amount of child support the household actually pays. Documents that are accepted as verification of the household's legal obligation to pay child support shall not be accepted as verification of the household's actual monthly child support payments. State agencies may and are strongly encouraged to obtain information regarding a household member's child support obligation and payments from Child Support Enforcement (CSE) automated data files. For households that pay their child support exclusively through their State CSE agency, the State agency may use information provided by that agency in determining a household's legal obligation to pay child support, the

amount of its obligation and amount the household has actually paid. A household would not have to provide additional verification unless it disagrees with the data presented by the State CSE agency. Before the State agency may use the CSE agency's information, the household must sign a statement authorizing release of the household's child support payment records to the State agency. State agencies that choose to rely on information provided by their State CSE agency in accordance with this [paragraph \(f\)\(1\)\(xii\)](#) must specify in their State plan of operation that they have selected this option. The State agency shall give the household an opportunity to resolve any discrepancy between household verification and CSE records in accordance with [paragraph \(f\)\(9\)](#) of this section.

...

***Verification of questionable information.***

(i) The State agency shall verify, prior to certification of the household, all other factors of eligibility which the State agency determines are questionable and affect the household's eligibility and benefit level. The State agency shall establish guidelines to be followed in determining what shall be considered questionable information. These guidelines shall not prescribe verification based on race, religion, ethnic background, or national origin. These guidelines shall not target groups such as migrant farmworkers or American Indians for more intensive verification under this provision.

(ii) If a member's citizenship or status as a non-citizen national is questionable, the State agency must verify the member's citizenship or non-citizen national status in accordance with attachment 4 of the DOJ Interim Guidance. After DOJ issues final rules, State agencies should consult both the Interim Guidance and the final rule. Where the Interim Guidance and the DOJ final rule conflict, the latter should control the eligibility determination. The State agency must accept participation in another program as acceptable verification if verification of citizenship or non-citizen national status was obtained for that program. If the household cannot obtain the forms of verification suggested in attachment 4 of the DOJ Interim Guidance and the household can provide a reasonable explanation as to why verification is not available, the State agency must accept a signed statement, under penalty of perjury, from a third party indicating a reasonable basis for personal knowledge that the member in question is a U.S. citizen or non-citizen national. The signed statement must contain a warning of the penalties for helping someone commit fraud. Absent verification or third party attestation of U.S. citizenship or non-citizen national status, the member whose citizenship or non-citizen national status is in question is ineligible to participate until the issue is resolved. The member whose citizenship or non-citizen national status is in question will have his or her income and resources considered available to any remaining household members as set forth in [§ 273.11\(c\)](#).

(3) *State agency options.* In addition to the verification required in [paragraphs \(f\)\(1\)](#) and [\(f\)\(2\)](#) of this section, the State agency may elect to mandate verification of any other factor which affects household eligibility or allotment level, including household size where not questionable. Such verification may be required Statewide or throughout a project area, but shall not be imposed on a selective, case-by-case basis on particular households.

(i) The State agency may establish its own standards for the use of verification, provided that, at a minimum, all questionable factors are verified in accordance with [paragraph \(f\)\(2\)](#) of this section and that such standards do not allow for inadvertent discrimination. For example, no standard may be applied which prescribes variances in verification based on race, religion, ethnic background or national origin, nor may a State standard target groups such as migrant farmworkers or American Indians for more intensive verification than other households. The options specified in this paragraph, shall not apply in those offices of the Social Security Administration (SSA) which, in accordance with [paragraph \(k\)](#) of this section, provide for the SNAP certification of households containing recipients of Supplemental Security Income (SSI) and social security benefits. The State agency, however, may negotiate with those SSA offices with regard to mandating verification of these options.

(ii) If a State agency opts to verify a deductible expense and obtaining the verification may delay the household's certification, the State agency shall advise the household that its eligibility and benefit level may be determined without providing a deduction for the claimed but unverified expense. This provision also applies to the allowance of medical expenses as specified in [paragraph \(f\)\(1\)\(iv\)](#) of this section. Shelter costs would be computed without including the unverified components. The standard utility allowance shall be used if the household is entitled to claim it and has not verified higher actual costs. If the expense cannot be verified within 30 days of the date of application, the State agency shall determine the household's eligibility and benefit level without providing a deduction of the unverified expense. If the household subsequently provides the missing verification, the State agency shall redetermine the household's benefits, and provide increased benefits, if any, in accordance with the timeliness standards in [§ 273.12](#) on reported changes. If the expense could not be verified within the 30-day processing standard because the State agency failed to allow the household sufficient time, as defined in [paragraph \(h\)\(1\)](#) of this section, to verify the expense, the household shall be entitled to the restoration of benefits retroactive to the month of application, provided that the missing verification is supplied in accordance with [paragraph \(h\)\(3\)](#) of this section. If the household would be ineligible unless the expense is allowed, the household's application shall be handled as provided in [paragraph \(h\)](#) of this section.

(4) *Sources of verification* —

(i) **Documentary evidence.** State agencies shall use documentary evidence as the primary source of verification for all items except residency and household size. These items may be verified either through readily available documentary evidence or through a collateral contact, without a requirement being imposed that documentary evidence must be the primary source of verification. Documentary evidence consists of a written confirmation of a household's circumstances. Examples of documentary evidence include wage stubs, rent receipts, and utility bills. Although documentary evidence shall be the primary source of verification, acceptable verification shall not be limited to any single type of document and may be obtained through the household or other source. Whenever documentary evidence cannot be obtained or is insufficient to make a firm determination of eligibility or benefit level, the eligibility worker may require collateral contacts or home visits. For example, documentary evidence may be considered insufficient when the household presents pay stubs which do not represent an accurate picture of the household's income (such as out-dated pay stubs) or identification papers that appear to be falsified.

(ii) **Collateral contacts.** A collateral contact is an oral confirmation of a household's circumstances by a person outside of the household. The collateral contact may be made either in person or over the telephone. The State agency may select a collateral contact if the household fails to designate one or designates one which is unacceptable to the State agency. Examples of acceptable collateral contacts may include employers, landlords, social service agencies, migrant service agencies, and neighbors of the household who can be expected to provide accurate third-party verification. When talking with collateral contacts, State agencies should disclose only the information that is absolutely necessary to get the information being sought. State agencies should avoid disclosing that the household has applied for SNAP benefits, nor should they disclose any information supplied by the household, especially information that is protected by [§ 273.1\(c\)](#), or suggest that the household is suspected of any wrong doing.

(iii) **Home visits.** Home visits may be used as verification only when documentary evidence is insufficient to make a firm determination of eligibility or benefit level, or cannot be obtained, and the home visit is scheduled in advance with the household. Home visits are to be used on a case-by-case basis where the supplied documentation is insufficient. Simply because a household fits a profile of an error-prone household does not constitute lack of verification. State agencies shall assist households in obtaining sufficient verification in accordance with [paragraph \(c\)\(5\)](#) of this section.

(iv) **Discrepancies.** Where unverified information from a source other than the household contradicts statements made by the household, the household shall be afforded a reasonable opportunity to resolve the discrepancy prior to a determination of eligibility or benefits. The State agency may, if it chooses, verify the information directly and contact the household only if such direct verification efforts are unsuccessful. If the unverified information is received through the IEVS,

as specified in [§ 272.8](#), the State agency may obtain verification from a third party as specified in [paragraph \(f\)\(9\)\(v\)](#) of this section.

(v) ***Homeless households.*** Homeless households claiming actual shelter expenses or those with extremely low shelter costs may provide verification of their shelter expenses to qualify for the homeless shelter deduction if the State agency has such a deduction. If a homeless household has difficulty in obtaining traditional types of verification of shelter costs, the caseworker shall use prudent judgment in determining if the verification obtained is adequate. For example, if a homeless individual claims to have incurred shelter costs for several nights and the costs are comparable to costs typically incurred by homeless people for shelter, the caseworker may decide to accept this information as adequate information and not require further verification.

**(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.

(ii) Whenever documentary evidence is insufficient to make a firm determination of eligibility or benefit level, or cannot be obtained, the State agency may require a collateral contact or a home visit in accordance with [paragraph \(f\)\(4\)](#) of this section. The State agency, generally, shall rely on the household to provide the name of any collateral contact. The household may request assistance in designating a collateral contact. The State agency is not required to use a collateral contact designated by the household if the collateral contact cannot be expected to provide an accurate



third-party verification. When the collateral contact designated by the household is unacceptable, the State agency shall either designate another collateral contact, ask the household to designate another collateral contact or to provide an alternative form of verification, or substitute a home visit. The State agency is responsible for obtaining verification from acceptable collateral contacts.

(6) **Documentation.** Case files must be documented to support eligibility, ineligibility, and benefit level determinations. Documentation shall be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination.

(7) **State Data Exchange and Beneficiary Data Exchange.** The State agency may verify SSI benefits through the State Data Exchange (SDX), and Social Security benefit information through the Beneficiary Data Exchange (BENDEX), or through verification provided by the household. The State agency may use SDX and BENDEX data to verify other SNAP eligibility criteria. The State agency may access SDX and BENDEX data without release statements from households, provided the State agency makes the appropriate data request to SSA and executes the necessary data exchange agreements with SSA. The household shall be given an opportunity to verify the information from another source if the SDX or BENDEX information is contradictory to the information provided by the household or is unavailable. Determination of the household's eligibility and benefit level shall not be delayed past the application processing time standards of [paragraph \(g\)](#) of this section if SDX or BENDEX data is unavailable.

## DISCUSSION

On March 1, 2024, the Respondent terminated the Appellant's eligibility for SNAP, effective April 1, 2024, when the Appellant failed to provide verification of his loss employment. The Appellant appeals the Respondent's decision citing that he provided information available to him to document his separation and loss of employment. The Respondent must prove by a preponderance of the evidence that the Appellant failed to provide the appropriate verifications to maintain his eligibility for SNAP.

On December 11, 2023, the Appellant, through a Change Reporting Form (Exhibit D-2), reported the onset of employment income, beginning November 2023, with [REDACTED]. The reported change prompted the Respondent to issue a Verification Checklist (Exhibit D-1 and Exhibit D-4) on January 18, 2024, which it requested the Appellant provide verification of his paystubs for December 29, 2024 and January 12, 2024 or an Employment Statement to verify his income. The Verification Checklist (Exhibit D-4) documents that the requested information be provided to the Respondent by January 27, 2024. On January 31, 2024, the Appellant informed the Respondent of his separation from employment with [REDACTED], effective January 1, 2024 (Exhibit D-4). Additionally, on the same date, the Appellant provided his 2023

W-2 and Earnings summary which documented a total 2023 earnings of \$2172.00. On March 1, 2024, the Respondent terminated the Appellant's SNAP eligibility (Exhibit D-7) because the Appellant failed to provide requested information. On March 25 2024, the Appellant provided an Employment Statement (Exhibit D-6) which documents his loss of employment as of January 2, 2024 with a final pay of January 5, 2024 of \$552.00. The Respondent contends that the Employment Statement was incomplete and not accepted because it failed to include a signature and the Appellant's reason for separation from employment. Jill Lester-Hill, Economic Services Worker, testified that the Appellant's SNAP benefits were terminated when he failed to provide a complete Employment Statement (Exhibit D-6) which documented a name, title, and signature of his employer to verify his loss of employment through [REDACTED]. As of note, the evidence documents a signature of [REDACTED].

The Appellant contends that on multiple occasions he attempted to obtain a signature on the Employment Statement but was unsuccessful. The Appellant indicated that the employer would just provide [REDACTED] on the signature line of the paperwork. The Appellant purported that he received one pay stub from the employer, but all other pays were direct deposited through an internet cash application without any physical documentation. The Appellant testified that he attempted to obtain additional verification of his income through the employer but was unsuccessful.

Governing policy dictates that all changes reported directly by an assistance group member, the authorized representative, or from a source verified upon receipt must be acted on, even if the assistance group is not required to report the information. Additionally, policy dictates that while it is the primary responsibility of the individual to provide verifications of information, the worker must accept any reasonable documentary evidence as verification and must not require a specific kind or source of verification. If an individual is unsuccessful in obtaining information, or if physical or mental limitations prevent his compliance, the Worker must document attempts to obtain the verification.

After an evidentiary review, the Appellant's reported onset of employment income prompted a verification request by the Respondent, which required the Appellant to document thirty days of pay verifications. Prior to the termination of benefits, the Appellant related information to the Respondent indicating his separation from employment. The reported information did not prompt any additional verification requests. Policy mandates that all changes reported directly by an assistance group member must be acted upon. Situations involving unclear information, in which the worker cannot readily determine the effect on the benefit, the worker must pursue clarification and verification of the information related to the reported changes. Such verification of the unclear information is due ten calendar days from the date of the request.

The Worker bears the responsibility to accept any reasonable documentary evidence as verification. The Appellant provided reasonable available information to the Respondent to document his separation of employment. Any submitted financial information, including pay verifications, had no bearing on the Appellant's SNAP eligibility for March 2024, and the information was provided prior to the termination of benefits of April 1, 2024. There was no evidence or testimony provided by the Respondent to identify that the information provided by the Appellant was questionable. Because the Appellant provided reasonable information to document



his loss of employment, the Respondent was incorrect in its decision to terminate the Appellant's SNAP eligibility effective April 1, 2024.

### **CONCLUSIONS OF LAW**

- 1) Policy requires all changes reported directly by an assistance group member be acted on, even if the AG is not required to report the information.
- 2) Policy requires that the worker pursue clarification in the event the worker cannot readily determine the effect of the reported information on the household's benefit.
- 3) Policy requires that the Worker accept any reasonable documentary evidence as verification and must not require a specific kind or source of verification.
- 4) The Respondent requested verification of the Appellant's new income source and pended his SNAP eligibility.
- 5) The Appellant lost the income source prior to the determination his SNAP eligibility.
- 6) The Respondent did not request verification of the Appellant's separation of employment.
- 7) The Appellant provided reasonable verification documenting his separation of employment.
- 8) The Respondent incorrectly terminated the Appellant's SNAP eligibility.

### **DECISION**

It is the decision of the State Hearing Officer to **REVERSE** the decision of the Respondent to terminate the Appellant's eligibility for Supplemental Nutrition Assistance Program.

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

\_\_\_\_\_  
Eric L. Phillips  
**State Hearing Officer**