



January 16, 2025



RE: [REDACTED] v. WVDOHS  
ACTION NO.: 24-BOR-3792

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: Jacklyn Enox, Department Representative

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

████████████████████

**Appellant,**

v.

**Action Number: 24-BOR-3792**

**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 January 2, 2025, upon a timely appeal filed on November 25, 2024.

The matter before the Hearing Officer arises from the December 3, 2024 decision by the Respondent to approve auxiliary SNAP benefits based on a November 19, 2024 proration date.

At the hearing, the Respondent appeared by Jacklyn Enox. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**EXHIBITS**

**Department's Exhibits:**

- D-1            Case summary
  
- D-2            Hearing request form
  
- D-3            Unknown letter excerpt  
                 Scheduling order excerpt  
                 SNAP application form

- D-4 Excerpt/incomplete notice dated December 3, 2024  
Excerpt/incomplete notice dated November 26, 2024  
Case comments entries – November 21, 2024, through December 20, 2024
- D-5 Case comments entries – November 21, 2024, through December 20, 2024  
West Virginia Income Maintenance Manual excerpts

**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.
- 2) The Appellant completed a SNAP application document (Exhibit D-3) and submitted the form to the Respondent in the [REDACTED] office.
- 3) The Respondent date-stamped this document (Exhibit D-3) November 19, 2024, and based its approval of SNAP benefits to the Appellant using this date as the application date.
- 4) The Appellant disagreed with the November 19, 2024, application date, and the Respondent determined a corrected application date of November 18, 2024.
- 5) The Respondent issued \$10 in auxiliary SNAP benefits to bring the Appellant’s total SNAP issuance for November 2024 to the level of SNAP benefits for an application date of November 18, 2024.
- 6) The Respondent issued at least one (1) page of a December 3, 2024 (Exhibit D-4) notice to the Appellant informing her of the auxiliary SNAP benefits.
- 7) The portion of this notice (Exhibit D-4) provided at the hearing reads, in part, “We have reviewed your eligibility. You are eligible to receive additional SNAP benefits. Here is why: 11/24 \$10 RESTORE BENEFITS NOT ISSUED DUE TO AGENCY ERROR.”
- 8) The Respondent presented case comments (Exhibit D-4) limited to show only entries from November 21, 2024, through December 20, 2024.
- 9) The Appellant requested this hearing because she disagrees with the Respondent's determination of a November 18, 2024, application date.

## APPLICABLE POLICY

### **West Virginia Income Maintenance Manual § 1.2.6.A.2 documents:**

When the application form is returned containing at least the applicant's name, address, and signature, an application is considered complete and requires action from the Worker to Approve, Deny, or Withdraw. The date of application is the date the completed application form is received by the county office. Complete applications forms must be date-stamped when received. The application is logged and assigned to a Worker for processing and completion.

### **West Virginia Income Maintenance Manual § 1.4.3 documents, in part:**

The date of application is the date the applicant submits a DFA-2 or DFA-SNAP-1 in person, by fax, other electronic transmission, or by mail, which contains, at a minimum, his name, address, and signature. When the application is submitted by mail or fax, it is considered an original application and the date of application is the date that the form with the name, address, and signature is received in the local office.

### **Code of Federal Regulations 7 CFR §273.2(c)(1)(iv) provides:**

(iv) *Recording the filing date.* The date of application is the date the application is received by the State agency. State agencies must document the application date on the application. If the application is received outside normal business hours the State agency will consider the date of application the next business day. For online applications, the date of application is the date the application is submitted, or the next business day if it is submitted after business hours. For telephonic applications, the date of application is the date on which the household member provides verbal assent.

### **Code of Federal Regulations 7 CFR §273.10(a)(1) provides:**

(ii) A household's benefit level for the initial months of certification shall be based on the day of the month it applies for benefits and the household shall receive benefits from the date of application to the end of the month unless the applicant household consists of residents of a public institution. For households which apply for SSI prior to their release from a public institution in accordance with § 273.11(i), the benefit level for the initial month of certification shall be based on the date of the month the household is released from the institution and the household shall receive benefits from the date of the household's release from the institution to the end of the month. As used in this section, the term "initial month" means the first month for which the household is certified for participation in SNAP

following any period during which the household was not certified for participation, except for migrant and seasonal farmworker households. In the case of migrant and seasonal farmworker households, the term “initial month” means the first month for which the household is certified for participation in SNAP following any period of more than 1 month during which the household was not certified for participation. Recertification shall be processed in accordance with § 273.10(a)(2). The State agency shall prorate a household's benefits according to one of the two following options:

(A) The State agency shall use a standard 30-day calendar or fiscal month. A household applying on the 31st of a month will be treated as though it applied on the 30th of the month.

(B) The State agency shall prorate benefits over the exact length of a particular calendar or fiscal month.

### **DISCUSSION**

The Appellant is contesting the Respondent's determination of her SNAP benefit level in the month of November 2024. The Respondent must prove, by a preponderance of the evidence, that it correctly determined and issued the Appellant's November 2024 SNAP allotment.

The Appellant is a recipient of SNAP benefits that completed a SNAP application in November 2024. The parties disagreed regarding the application date. The Respondent witness testified that the Appellant's SNAP application was initially date-stamped November 19, 2024, in error. The initial SNAP benefits for the Appellant in November 2024 were issued prorated from this date, as required by policy. After discussion with the Appellant, the Respondent determined that the corrected application date should have been November 18, 2024. Because the initial SNAP amount had already been issued, the Respondent generated an auxiliary issuance of SNAP to bring the full amount of SNAP up to the level that would have been issued based on a November 18, 2024, application date. There was no dispute of the full month calculation, or the proration methods outlined in SNAP policy. However, the Appellant still disagreed with the Respondent's determination of a November 18, 2024, application date and requested this hearing to hear the matter.

The Appellant was asked to provide the correct application date, or the date she provided the application in-person to the [REDACTED] office. She could not initially provide clear testimony on this fact because she appeared to believe the application date should be the beginning of the month because she did not believe she should have to verify information the Respondent requested. The beginning of the month is unconvincing for this reason, and because the Appellant dated the document November 7, 2024, not November 1, 2024. The Appellant did not provide convincing testimony that she delivered the SNAP application the same day she dated it. The Appellant did provide convincing testimony regarding an office interaction on November 15, 2024. The Appellant testified she brought in the application on that date, but was refused because she did not have the necessary verifications to fully process the application. The Appellant did not testify that her application was accepted on that date, and she was given a written verification checklist showing the information needed to complete her application. The Respondent did not present such

a checklist into evidence, nor did it provide complete notices or case comments. The Respondent could have provided any comments in and around the dates in question, but specifically excluded comments prior to November 21, 2024 (Exhibits D-4 and D-5). The exclusion could have been an oversight, but the Appellant's testimony without any reliable evidence from the Respondent to refute it affirms the November 15, 2024, application date.

Based on the reliable evidence and testimony at the hearing, the Appellant applied for SNAP on November 15, 2024, and her application was refused. The subsequent approval should have resulted in prorated SNAP benefits from November 15, 2024. The Respondent's SNAP determination cannot be affirmed. This matter is remanded to the Respondent to determine the level of SNAP benefits from November 15, 2024, compare that to the amount issued (regular and auxiliary) in November 2024, and issue a second auxiliary to bring the Appellant's full SNAP issuance for November 2024 up to the level of a November 15, 2024 proration date.

### **CONCLUSIONS OF LAW**

- 1) Because the Appellant applied for SNAP on November 15, 2024, the Respondent must issue benefits prorated from that date.
  
- 2) Because the Respondent has already generated two issuances (regular and auxiliary) of SNAP in November 2024, it must determine and issue a second auxiliary to bring the full level of benefits in November 2024 up to the level that would have been issued from a November 15, 2024, application date.

### **DECISION**

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's determination of the Appellant's prorated SNAP level. The matter is **REMANDED** to the Respondent to: 1) determine the full amount of the Appellant's SNAP benefits from a November 15, 2024, application date, and 2) issue additional SNAP benefits to reflect the difference between the benefits based on the November 15, 2024, proration date and the full amounts already issued.

**ENTERED this \_\_\_\_\_ day of January 2025.**

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**Todd Thornton  
State Hearing Officer**