



February 27, 2025

[REDACTED]

RE: [REDACTED] v. WVDoHS
ACTION NO.: 24-BOR-3919

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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

cc: Heather Perry, WVDoHS

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

[REDACTED],

Appellant,

v.

Action Number: 24-BOR-3919

**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 [REDACTED]. 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 February 25, 2025.

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 December 10, 2024.

At the hearing, the Respondent appeared by Tina Lewis, Economic Service Worker Senior, WVDoHS. The Appellant appeared *pro se*. Appearing as a witness for the Appellant was [REDACTED]. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Case Comments from Respondent's computer system
- D-2 West Virginia Income Maintenance Manual Chapter 2.2.3.B.2
- D-3 Notice of Decision dated December 10, 2024

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 Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) On December 9, 2024, the Respondent terminated the Appellant's SNAP benefits because the Appellant had been admitted to [REDACTED], a psychiatric institution, and would be in the facility for a full calendar month (Exhibit D-1).
- 3) The Respondent sent the Appellant a Notice of Decision on December 10, 2024, indicating that his SNAP benefits would stop effective January 2025 because his living situation prohibits SNAP eligibility (Exhibit D-3).

APPLICABLE POLICY

7 Code of Federal Regulations 273.1(b)(7) addresses persons who are ineligible to receive SNAP benefits and states:

The following persons are not eligible to participate as separate households or as a member of any household:

vi) Residents of an institution, with some exceptions. Individuals must be considered residents of an institution when the institution provides them with the majority of their meals (over 50 percent of three meals daily) as part of the institution's normal services. Exceptions to this requirement include only the individuals listed in [paragraphs \(b\)\(7\)\(vii\)\(A\) through \(b\)\(7\)\(vii\)\(E\)](#) of this section. The individuals listed in paragraphs (b)(7)(vii)(A) through (b)(7)(vii)(E) can participate in the Program and must be treated as separate households from the others with whom they reside, subject to the mandatory household combination requirements of [paragraph \(b\)\(1\)](#) of this section, unless otherwise stated:

(A) Individuals who are residents of federally subsidized housing for the elderly;

(B) Individuals who are narcotic addicts or alcoholics and reside at a facility or treatment center for the purpose of regular participation in a drug or alcohol treatment and rehabilitation program. This includes the children but not the spouses of such persons who live with them at the treatment center or facility;

- (C) Individuals who are disabled or blind and are residents of group living arrangements;
- (D) Individual women or women with their children who are temporarily residing in a shelter for battered women and children; and
- (E) Individuals who are residents of public or private nonprofit shelters for homeless persons.

West Virginia Income Maintenance Manual Chapter 3.2.1.A addresses eligibility determination groups for SNAP and states that when an Assistance Group member is absent or is expected to be absent from the home for a full calendar month, he is no longer eligible to be included in the Assistance Group and must be removed after advance notice.

DISCUSSION

Policy states that when a SNAP Assistance Group member is absent or is expected to be absent from the home for a full calendar month, he is no longer eligible to be included in the Assistance Group and must be removed after advance notice. Residents of institutions are ineligible to participate in SNAP, with limited exceptions.

The Appellant testified that he was admitted to [REDACTED] in October 2024 and reported his admission to the Respondent at that time.

The Respondent's representative, Economic Service Worker Senior Tina Lewis, testified that the Appellant is ineligible for SNAP benefits since he has been in the facility for more than 30 days and his meals are provided by the hospital. She stated that the Appellant can reapply for SNAP benefits upon his release from the facility.

As the Appellant is a resident of [REDACTED] and has been out of his home for more than a full calendar month, the Respondent's decision to terminate SNAP benefits is correct.

CONCLUSIONS OF LAW

- 1) When a SNAP recipient is absent from the home for a full calendar month, he is no longer eligible to be included in the SNAP Assistance Group.
- 2) Residents of institutions are ineligible to participate in SNAP, with limited exceptions.
- 3) The Appellant is currently a resident of a psychiatric facility and has been out of his home for more than a full calendar month.
- 4) The Appellant is ineligible for SNAP benefits.

DECISION

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

ENTERED this 27th day of February 2025.

**Pamela L. Hinzman
State Hearing Officer**