

(c) Deeming Period

The duration of the penalty imposed by the public assistance program is not affected by a break in SNAP certification. However, if the public assistance benefit is terminated for any reason, other than imposition of a sanction or non-compliance penalty, the amount of the public assistance benefit is no longer counted as income. At the end of the sanction or non-compliance penalty period, the income is no longer counted, regardless of whether or not the individual is a public assistance benefit recipient. For WV WORKS sanctions, the income is deemed during the entirety of the sanction period.

(d) Client Notification

The fact that benefits do not increase based on a decrease in income, does not constitute an adverse action. However, client notification, using form letter ES-NL-B is required. See Sections 6.3, B and C.

(e) Denial of a SNAP Fair Hearing

The AG is not entitled to a separate and distinct SNAP Fair Hearing on the issue of failure to comply because this would require the SNAP Program to second guess another program's determination. However, if the public assistance program is WV WORKS, the issue of intent may be dealt with during a WV WORKS Fair Hearing about the imposition of the reduction, suspension or termination.

A SNAP Fair Hearing may be held on the issue of not increasing SNAP benefits when income has decreased.

(f) Other Changes

Changes in household circumstances which are not related to a penalty imposed by another federal, State or local means-tested welfare or public assistance program must be made.

This includes adjustment in the benefit level when new members join the household, whether or not the AG is prohibited from receiving benefits for the new member from such program.