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**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

SC Court of Appeals

Derrick Mundine,)
)
Appellant,)
)
v.)
)
South Carolina Department of)
Social Services,)
)
Respondent.)
)
_____)

Docket No.: 18-ALJ-18-0260-AP

ORDER

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BY: _____

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to a Notice of Appeal filed by Derrick Munine ("Appellant"). Appellant seeks review of the South Carolina Department of Social Service's (Department's) decision finding he is receiving the proper amount of benefits under the Supplemental Nutrition Assistance Program (SNAP). The Court has jurisdiction to review this matter pursuant to South Carolina Code Sections 1-23-600(D) and 43-5-150. Upon consideration of the Record before the Court, the Department's decision is affirmed.

STATEMENT OF THE CASE

Appellant receives SNAP in the amount of \$192.00 each month. Except for four months from November 2014 through February 2015, Appellant has received benefits since April 2009. A hearing was held on May 17, 2018, after Appellant complained that his benefits were reduced without notice from \$200.00 per month to \$192.00 per month. A Final Administrative Order was issued on June 22, 2018, holding that the Department was paying him the correct monthly amount of \$192.00. Appellant asks the ALC to review that final order.

On March 6, 2017, the Department informed Appellant, by letter, that she was suspected of an intentional program violation for not including an additional member in her household. She was also informed that the violation would include an overpayment of \$1,666.00. On March 29, 2017, the Department sent a letter to Appellant stating that it had reason to believe she had failed to correctly report her household composition, and that a hearing would be held on May 2, 2017, to date the

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whether she intentionally violated the program. These letters also notified Appellant that if she was found to have intentionally violated the program rules, she would be disqualified from receiving SNAP benefits for twelve (12) months. Appellant did not attend the hearing on May 2, 2017.

Subsequently, the Department found Appellant intentionally failed to report a household member who was living with her on two applications and during one interview. Appellant appealed the Department's decision to the ALC on June 14, 2017.

ISSUE ON APPEAL

Whether the Department erred in finding Appellant receives the maximum SNAP benefits available for a single-person household with no other income.

STANDARD OF REVIEW

This Court's appellate review of final decisions of the Department is governed by the standards provided in section 1-23-380 of the South Carolina Code (Supp. 2016). Section 1-23-380(5) provides the standard used by appellate bodies to review agency decisions. This section provides that:

The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The Court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision [of an agency] if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the [Board];
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

Id.; see also *Lark v. Bi-Lo, Inc.*, 276 S.C. 130, 276 S.E.2d 304 (1981).

A decision is supported by substantial evidence when the record as a whole allows reasonable minds to reach the same conclusion as the agency. *Friends of the Earth v. Pub Serv. Comm'n of S.C.*, 387 S.C. 360, 366, 692 S.E.2d 910, 913 (2010). The fact that the record presents the possibility of

drawing two inconsistent conclusions from the evidence does not prevent the agency's findings from being supported by substantial evidence. *Waters v. S.C. Land Res. Conservation Comm'n*, 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996). When applying the substantial evidence rule, the factual findings of the administrative agency are presumed to be correct. *Rodney v. Michelin Tire Co.*, 320 S.C. 515, 466 S.E.2d 357 (1996). Furthermore, the reviewing court is prohibited from substituting its judgment for that of the agency as to the weight of the evidence on questions of fact. *Grant v. S.C. Coastal Council*, 319 S.C. 348, 461 S.E.2d 388 (1995). Finally, the party challenging an agency action has the burden of proving convincingly that the agency's decision is unsupported by substantial evidence. *Waters*, 467 S.E.2d at 917.

DISCUSSION

SNAP is a federally funded program operated pursuant to the regulatory authority of the United States Department of Agriculture. The SNAP program is "designed to promote the general welfare and to safeguard the health and well being of the Nation's population by raising the levels of nutrition among low-income households." 7 C.F.R. § 271.1(a) (2013). In each state, SNAP is administered by a designated state agency. In South Carolina the Department of Social Services is the agency designated to administer the program. 7 C.F.R. § 271.4(a) (2013) and S.C. Code Ann. Regs. 114-1300 (2012). The Department has offices located in each of South Carolina's forty-six counties, and eligibility for SNAP benefits is determined by the local DSS office staff. *See* S.C. Code Ann. Regs. 114-2740 (2012). An applicant's household composition correlates to the applicant's eligibility and benefit level for SNAP benefits.

The Record shows that Appellant is qualified for the maximum benefits for a one-person household with no income. Appellant claims that his monthly benefit has been reduced over time from \$200.00 to \$192.00. He asserts that he was not told why this reduction occurred.

The Department's eligibility supervisor confirmed that Appellant received the maximum benefits for a single person with no income. However, she also stated that the maximum benefit had been reduced for all beneficiaries because of changes made at the federal level. United States government regulations (7 C.F.R. 273.13(b)(1); SCDSS Policy § 16.2(A)) provide that individual notices of an adverse action are not required when there is a mass change is initiated.

In an administrative appeal, the Court reviews the record to determine if the Department's decision is

supported by substantial evidence. As discussed above, a decision is supported by substantial evidence when reasonable minds could reach the same conclusion as the Department did after reviewing the Record. In this case, Appellant is receiving the maximum allowed in his circumstances. That amount has been reduced for everyone in his circumstances.

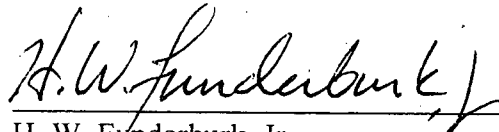
There is substantial evidence in the Record to support the Department's conclusion that Appellant is receiving the correct amount of SNAP benefits and that the Department was not required to provide individual notice of that change.

ORDER

For the foregoing reasons, it is hereby **ORDERED** that the decision of the Department is hereby **AFFIRMED**, and Appellant is receiving the proper amount of SNAP benefits.

AND IT IS SO ORDERED.

October 15, 2018
Columbia, South Carolina



H. W. Funderburk, Jr.
Administrative Law Judge

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