



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL

Jim Justice
Governor

BOARD OF REVIEW
Raleigh District DHHR
407 Neville Street
Beckley, WV 25801

Bill J. Crouch
Cabinet Secretary

September 6, 2017

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-2280/17-BOR-2282

Dear Ms. [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 Health and Human Resources. 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,

Kristi Logan
State Hearing Officer
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision
Form IG-BR-29

cc: Leslie Bonds, [REDACTED] County DHHR

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BOARD OF REVIEW

██████████,

Appellant,

v.

Action Number: 17-BOR-2280 SCA
17-BOR-2282 SNAP

WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,

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 West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing was convened on August 31, 2017, on an appeal filed August 11, 2017.

The matter before the Hearing Officer arises from the December 19, 2016, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits and deny School Clothing Allowance.

At the hearing, the Respondent appeared by Leslie Bonds, Economic Service Worker. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 OnBase Screen Print of Documents received from Appellant
- D-2 Medicaid/WV CHIP Review Form (Form MREV) received February 16, 2017
- D-3 SNAP and Medicaid/WV CHIP Review Form (Form CSLR), Blank Copy Mailed November 14, 2016
- D-4 SNAP Missed Review Letter (Form CSLN) dated December 9, 2016
- D-5 Notice of Decision dated December 19, 2016
- D-6 WV School Clothing Allowance Application, Blank Copy Mailed June 26, 2017
- D-7 West Virginia Income Maintenance Manual Chapter 15 Appendix C

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) A Medicaid review form was mailed to the Appellant on November 21, 2016 (Exhibit D-2).
- 2) Medicaid benefits were terminated effective December 31, 2016, when the review form had not been received.
- 3) A SNAP and Medicaid review form was mailed to the Appellant on November 14, 2016 (Exhibit D-3).
- 4) A SNAP missed review letter was mailed to the Appellant on December 19, 2016, advising the Appellant that her SNAP benefits would be terminated effective December 31, 2016, if an eligibility review was not completed (Exhibit D-4).
- 5) The Appellant's SNAP benefits were terminated effective December 31, 2016, when the eligibility review was not completed (Exhibit D-5).
- 6) The Appellant submitted the November 2016, Medicaid review form to the Respondent on February 16, 2017 (Exhibit D-2).
- 7) The Medicaid review form was used to reopen the Appellant's Medicaid benefits.
- 8) A School Clothing Allowance (SCA) application was mailed to the Appellant on June 26, 2017. The application notified the Appellant that applications for SCA could be made by mail, in-person or online, no later than July 31, 2017 (Exhibit D-6).
- 9) A completed SCA application was not received from the Appellant by July 31, 2017.
- 10) The Appellant contests the December 2016 SNAP termination and the failure of the Respondent to automatically issue SCA benefits to the Appellant.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §1.4(S)(5)(b) states that West Virginia has implemented waivers to eliminate the face-to-face interview at SNAP application and redetermination. A telephone interview is required for all applications unless the household requests a face-to-face interview. Assistance Groups (AGs) included in the SNAP waiver of the face-to-face interview must complete a redetermination by the end of the last month of eligibility. Under no circumstances are benefits continued beyond the last month of the certification period,

unless the redetermination process has been completed and the AG is determined eligible. AGs that complete a redetermination in a timely manner, as specified in this section, must receive uninterrupted benefits or have lost benefits restored if the Department's delay causes an interruption in benefits.

SNAP Redetermination Forms

RAPIDS form CSLE/CSLR or inROADS is used. The CSLE/CSLR inROADS redetermination or the DFA-2 and DFA-RR-1 or DFA-SNAP-1 may be used for a redetermination. RAPIDS automatically mails the CSLE in the last month of the certification period. The form must be completed and returned prior to the scheduled telephone interview date specified on the CSLE/CSLR. The form is considered complete when signed and dated by the client or his authorized representative or completed and submitted by inROADS. An interview is required regardless of the method by which the redetermination is completed.

West Virginia Income Maintenance Manual Chapter 15 Appendix C states an application for West Virginia School Clothing Allowance, form DFA-WVSC-1, will be mailed to families with school-age children who received WVSCA in the previous program year and who are included in an active SNAP or Medicaid AG in June of the current program year. Active SNAP AGs who have indicated "Yes" to the question "Does your household choose to be evaluated for automatic issuance of SCA should you be determined eligible?" by deadline for the current program year will not be mailed WVSCA application forms and will be included in the automatic issuance unless there is a child in the case who is less than 5 or older than 17. If there is a child of this age in the case, they will be skipped in the automatic issuance and sent a DFA-WVSC-1 during the regular mass mailing. SNAP AGs confirmed on or after the automatic issuance question deadline for the current program year must complete a DFA-WVSC-1, DFA-2, or use inROADS to apply for WVSCA.

As long as the application is made by the last day of July and the applicant returns the requested information in the time frame specified by the Worker, the WVSCA is approved, if the family is otherwise eligible.

DISCUSSION

Pursuant to policy, an eligibility review must be completed at the end of the SNAP certification period to continue receiving the benefit. At the end of the certification period, form CSLR is sent to households that are due for review. Form CSLR must be completed and returned, before a telephone interview can be conducted. An interview is required before the SNAP review is considered complete.

The Appellant contended that the Medicaid review form, form MREV, is identical to the SNAP review, and should have been accepted to continue her receipt of SNAP benefits. Form MREV is not an acceptable form that can be used to determine continued eligibility for SNAP benefits, and the Appellant did not complete an interview as required by policy. The Respondent was correct to terminate the Appellant's SNAP benefits for her failure to complete an eligibility review.

Policy stipulates that active SNAP assistance groups, who have indicated that they wish to be automatically evaluated for SCA benefits, are not required to complete an application and will be

included in the automatic issuance of SCA vouchers. Active Medicaid assistance groups who received SCA the previous year will be mailed an SCA application.

The Appellant contended that she automatically received SCA in previous years, and she should have again this year. The Appellant was not an active SNAP recipient as of June 2017, therefore she was not eligible to be included in the automatic issuance of SCA vouchers. As an active Medicaid recipient, she was mailed an SCA application, which was required to be returned no later than July 31. The Appellant did not complete an SCA application, either by mail, in-person or online as of July 31, 2017, and consequently was not eligible to receive the benefit.

CONCLUSIONS OF LAW

- 1) Pursuant to policy, SNAP benefits must be reviewed at the end of the certification period, using forms CLSE, CLSR, DFA-2 or DFA-SNAP-1.
- 2) Once the appropriate SNAP review form is received, an interview is conducted to determine continued eligibility for SNAP benefits.
- 3) The Appellant failed to complete and submit a SNAP review form and complete an interview at the end of her certification period.
- 4) SNAP benefits were correctly terminated.
- 5) Per policy, assistance groups that are receiving SNAP benefits as of June of the current program year will be automatically issued SCA vouchers.
- 6) Active Medicaid assistance groups will be mailed an SCA application, that must be returned by July 31.
- 7) The Appellant was not receiving SNAP benefits in June 2017.
- 8) The Appellant did not complete an application for SCA benefits.
- 9) The Appellant was not eligible to receive SCA.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program benefits and deny School Clothing Allowance.

ENTERED this 6th day of September 2017

Kristi Logan
State Hearing Officer