



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
2699 Park Avenue, Suite 100

Joe Manchin III
Governor

Patsy A. Hardy, FACHE, MSN, MBA
Cabinet Secretary

March 15, 2010

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held December 15, 2009. Your hearing request was based on the Department of Health and Human Resources' determination that SNAP benefits were not due you from August 1, 2009 through September 21, 2009.

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.

Eligibility for SNAP is based on current policy and regulations. Some of these regulations state that all SNAP assistance groups certified for 24 months must have a redetermination completed by the end of the 24th month of eligibility (West Virginia Income Maintenance Manual, Chapter 2.2.B.4.b), and that the beginning date of SNAP eligibility is the date of application when all eligibility criteria are met within 30 days of the date of application or the date that a signed signature page is received (West Virginia Income Maintenance Manual, Chapter 1.4.M).

The information submitted at your hearing revealed that your SNAP case was closed after you failed to complete a redetermination by the end of the 24th month of eligibility, and that SNAP benefits were correctly prorated from the date of your subsequent application.

It is the decision of the State Hearing Officer to **uphold** the determination of the Department that SNAP benefits were not due you from August 1, 2009 through September 21, 2009.

Sincerely,

Todd Thornton
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Sherry Preece, Department Representative

**WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES
BOARD OF REVIEW**

-----,

Claimant,

v.

Action Number: 09-BOR-2001

**West Virginia Department of
Health and Human Resources,**

Respondent.

DECISION OF STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on March 15, 2010 for ----- . This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened on December 15, 2009 on a timely appeal, filed September 30, 2009.

II. PROGRAM PURPOSE:

The purpose of SNAP is to provide an effective means of utilizing the nation's abundance of food "to safeguard the health and well-being of the nation's population and raise levels of nutrition among low-income households." This is accomplished through the issuance of EBT benefits to households who meet the eligibility criteria established by the Food and Nutrition Service of the U.S. Department of Agriculture.

III. PARTICIPANTS:

-----, Claimant
Sherry Preece, Department Representative

All persons offering testimony were placed under oath.

Presiding at the Hearing was Todd Thornton, State Hearing Officer and a member of the State Board of Review.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether or not the Department was correct to not issue the Claimant SNAP benefits from August 1, 2009 through September 21, 2009.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual, Chapter 1.4.M; Chapter 2.2.B.4.b

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 SNAP 24-month review form, dated June 22, 2009
- D-2 Screen prints of Case Household Information and Case Comments
- D-3 Appointment letter, dated July 24, 2009
- D-4 West Virginia Income Maintenance Manual, Chapter 2.2.B.4.b
- D-5 Combined Application and Review Form, dated September 18, 2009
- D-6 Hearing Request form
- D-7 Hearing/Grievance Record Information form; fax cover sheet
- D-8 Scheduling notice
- D-9 Screen prints of e-mail messages
- D-10 Hearing summary

Claimant's Exhibit:

- C-1 Letter from -----; Written statements from -----

VII. FINDINGS OF FACT:

- 1) Sherri Preece, representative for the Department, testified that the Claimant was a recipient of benefits through the Supplemental Nutrition Assistance Program (SNAP), formerly known as the Food Stamp Program. The Claimant was certified for a period of 24 months, and the eligibility review form (Exhibit D-1) was issued to the Claimant on or about June 22, 2009. This form was completed by the Claimant and returned to the Department on July 1, 2009. This form states, in pertinent part:

Once you have completed the review form, you must also complete an interview, either by telephone or in person.

The form provided an area to indicate a choice of telephone interview or office interview, but this part of the form was not completed by the Claimant.

- 2) Ms. Preece testified that she attempted to contact the Claimant, by telephone, on July 17, 2009, July 24, 2009, and August 14, 2009. She attempted to call the Claimant with both the phone number listed on the review form, and the number that had been previously recorded on a case household information screen (Exhibit D-2). The

Claimant testified that Ms. Preece misread the handwriting on her review form, and called the incorrect phone number.

- 3) Ms. Preece testified that after her July 24, 2009, call attempt was unsuccessful, she mailed an appointment letter (Exhibit D-3) to the Claimant. This letter advised the Claimant that she must call or appear in person for her eligibility review, and that her SNAP eligibility would stop at the end of that month. The Claimant testified that she did not receive this letter, but that the address listed on the letter was her correct address at the time.
- 4) The Claimant's SNAP case closed, and she did not receive benefits from August 1, 2009 through September 21, 2009.
- 5) Ms. Preece testified that the Claimant completed a phone interview for SNAP benefits on September 18, 2009. The signature page of this document (Exhibit D-5) was signed by the Claimant on September 20, 2009, and received back by the Department on September 22, 2009. Ms. Preece testified that, at that time, the Claimant's actions constituted a new application for SNAP, and that the benefits were prorated from the date that the signed signature page was received by the Department.
- 6) The West Virginia Income Maintenance Manual, Chapter 2.2.B.4.b, explains the procedure for redetermination of SNAP cases certified for a 24-month period as follows (emphasis added):

b. 24-Month Redetermination

All SNAP AG's certified for 24 months must have a redetermination completed by the end of the 24th month of eligibility. Under no circumstances are benefits continued beyond the last month of certification period, unless a redetermination is completed and the AG is determined eligible. The 24-month redetermination differs from the 12-month contact review as follows:

- The 24-month redetermination may be completed by mail or by inROADS.

- An interview is required regardless of the method in which the redetermination is completed. **A telephone interview is conducted unless the client requests a face-to-face interview.** When the redetermination is submitted, the Worker completes the interview based on the client's choice of interview methods. When a face-to-face interview is selected, the Worker must schedule the appointment. When a telephone interview is selected, the Worker must attempt to contact the client as soon as possible. **When the client chooses to complete a telephone interview, but no telephone number is available, a face-to-**

face interview must be scheduled. When the client chooses to complete a telephone interview, but the client cannot be reached in a reasonable amount of time, a telephone interview appointment must be scheduled.

- Form DFA-SNAP-24 or inROADS is used. The DFA-SNAP-24, inROADS redetermination or the OFS-2 and DFA-RR-1 may be used for redetermination in the 24th month. If the DFA-SNAP-24 is issued in the 23rd or 24th month, but not returned until the 25th month, no OFS-2 is required for reapplication. Instead, the DFA-SNAP-24 is used as the application form. Benefits are prorated from the date the application is submitted in the 25th month and a new certification period is established. Otherwise, the OFS-2 and DFA-RR-1 or inROADS application must be used if the client does not return the DFA-SNAP-24 by the end of the 25th month and wishes to reapply after the 24th month. The client is only required to complete one redetermination form.

RAPIDS automatically mails the DFA-SNAP-24 in the 23rd month. It must be returned by the 1st business day of the 24th month. The redetermination must be processed within the same timeframes used for a 6-month redetermination. Changes reported on the DFA-SNAP-24 are treated as changes reported during the completion of a redetermination.

The form is considered complete when signed by the client or his representative. **The redetermination is not complete until an interview is conducted.** If the completed form is received before the end of the last month of the certification period, and requested verification is received by the given due date, the client must receive uninterrupted benefits.

Failure to complete a redetermination and interview results in case closure. Notice of closure is required, but advance notice is not required.

- 7) The West Virginia Income Maintenance Manual, Chapter 1.4.M, explains the beginning date of SNAP eligibility and proration procedure as follows, in pertinent part (emphasis added):

The beginning date of eligibility is the date of application when all eligibility criteria are met within 30 days of the date of application or the date that a signed signature page from inROADS is received. Benefits for the initial month are prorated from the date of application, over the number of days remaining in the month. Initial month means the first month following any period of time in which the AG was not participating.

VIII. CONCLUSIONS OF LAW:

- 1) SNAP policy requires periodic reviews to redetermine program eligibility. The Claimant's review cycle required a redetermination to be completed by the end of the

24th month of eligibility – or July 2009. The Claimant completed a review form, but not the interview required to complete the redetermination. The Claimant failed to select a telephone interview or an office interview on her review form; the Department correctly attempted a telephone interview and scheduled an office interview when a correct telephone number was not available. The Claimant also failed to appear for an office interview to complete her redetermination by the end of her 24th month of eligibility. The failure of the Claimant to provide a correct, or legible, telephone number does not excuse the lack of a completed review. The Claimant's testimony that she did not receive the Department's appointment notice, mailed to her correct address, is unconvincing. The Department was correct to close the Claimant's SNAP benefits at the end of July 2009.

- 2) The Claimant completed an eligibility interview by telephone in September 2009, was mailed a signature page, and returned the signed signature page to the Department on September 22, 2009. The Department determined that the Claimant was eligible for SNAP benefits, and issued them to the Claimant, prorating September 2009 benefits from the date the signed signature page was received. The Department acted correctly to prorate the initial month of SNAP benefits on a new application.
- 3) The determination by the Department that benefits are not due the Claimant from August 1, 2009, through September 21, 2009, is correct.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the determination of the Department that SNAP benefits are not due the Claimant from August 1, 2009, through September 21, 2009.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this _____ Day of March, 2010.

Todd Thornton
State Hearing Officer