



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
4190 Washington Street, West
Charleston, WV 25313

Joe Manchin III
Governor

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

February 11, 2010

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held February 4, 2010. Your hearing request was based on the Department of Health and Human Resources' decision to terminate your Supplemental Nutrition Assistance Program (SNAP) effective December 31, 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 and benefit levels for SNAP are based on current policy and regulations. Some of these regulations state that a SNAP redetermination is a reapplication for benefits. Under no circumstances are benefits continued past the month of redetermination, unless a redetermination is completed and the client is found eligible. (West Virginia Department of Health and Human Resources (WVDHHR) Income Maintenance Manual §1.4.S.4)

The information submitted at your hearing reveals that the Department notified you on November 24, 2009 that your SNAP would stop after December 2009 if you did not complete a review. You failed to complete your review in December 2009.

It is the decision of the State Hearing Officer to **uphold** the action of the Department in terminating your SNAP eligibility effective December 31, 2009.

Sincerely,

Cheryl Henson
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Tera Pendleton, [REDACTED] DHHR

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

-----,

Claimant,

v.

Action Number: 09-BOR-2426

**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 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. The fair hearing was convened on February 4, 2010 on a timely appeal filed October 26, 2009.

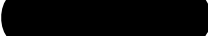
It should be noted that the Claimant's SNAP benefits were not continued pending the outcome of this hearing.

II. PROGRAM PURPOSE:

The purpose of the Supplemental Nutrition Assistance Program (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 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

 Department Representative

Presiding at the Hearing was Cheryl Henson, State Hearing Officer and a member of the State Board of Review.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether the Department was correct in its decision to terminate the Claimant's SNAP effective December 31, 2009.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual §1.4.S.4

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Case Comments from RAPIDS computer system, three (3) pages
- D-2 Notification letter dated November 24, 2009, three (3) pages
- D-3 Notification letter dated November 23, 2009, eight (8) pages
- D-4 West Virginia Income Maintenance Manual Section 1.4.S.4, two (2) pages

Claimant's Exhibits:

None

VII. FINDINGS OF FACT:

- 1) The Claimant was actively receiving SNAP, formerly known as Food Stamps, during the month of November 2009 when the Department determined that his case would be due for redetermination in December 2009.
- 2) The Claimant changed his mailing address and notified the Department of the change on November 23, 2009. The Department subsequently sent the Claimant's review forms (D-3) to his old address and he never received them. However, on November 24, 2009 another notification letter (D-2) was mailed to the Claimant's new address. The letter included the following pertinent information:

ACTION: You SNAP benefits will stop. You will not receive this benefit after DECEMBER 2009.

REASON: You did not complete your review. If you do not complete this interview and do not contact the worker listed above, your SNAP benefits will stop. You will not receive this benefit after DECEMBER 2009.

- 3) The Claimant did not contact the Department after receipt of the notice in order to facilitate the completion of his December 2009 review. The review was not completed and the Claimant's SNAP stopped on December 31, 2009.
- 4) The Claimant contends that he should not be penalized because he never received the review forms in the mail. The Department's position is that a SNAP redetermination is a reapplication for benefits and that policy does not allow for them to be continued past the review month unless a redetermination interview is conducted and the individual is then found to be eligible.
- 5) The West Virginia Income Maintenance Manual §1.4.S.4 states in pertinent part:

A SNAP redetermination is a reapplication for benefits. Under no circumstances are benefits continued past the month of redetermination, unless a redetermination is completed and the client is found eligible.

VIII. CONCLUSIONS OF LAW:

- 1) Policy provides that a SNAP redetermination is a reapplication for benefits, and that under no circumstances are benefits continued past the month of redetermination unless a redetermination interview is completed and the client is found eligible.
- 2) The evidence is clear in that the Claimant received notification that his case was due for redetermination and that benefits would stop unless he completed a redetermination interview during the month of December 2009. He failed to complete this redetermination interview.
- 3) Policy is clear that under no circumstances is SNAP to be continued past the review month unless this redetermination occurs and the individual is found eligible; therefore, since the Claimant failed to complete this review he is ineligible effective December 31, 2009.
- 4) The Department was correct in its decision to terminate the Claimant's SNAP effective December 31, 2009.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to terminate the Claimant's SNAP eligibility effective December 31, 2009.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 11th Day of February, 2010.

**Cheryl Henson
State Hearing Officer**