



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
P.O. Box 1247
Martinsburg, WV 25402

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

June 2, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-1935

Dear [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,

Lori Woodward
State Hearing Official
Member, State Board of Review

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

cc: Peter VanKleeck, ESS

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

██████████,

Appellant,

v.

ACTION NO: 15-BOR-1935

**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 June 2, 2015, on an appeal filed April 28, 2015.

The matter before the Hearing Officer arises from the April 17, 2015 decision by the Respondent to close Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

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

Department's Exhibits:

- D-1 Summary
- D-2 CSLE Review form, dated March 16, 2015
- D-3 Notification letter (EDC1), dated April 17, 2015
- D-4 WV Income Maintenance Manual (IMM) §1.2.B.2

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) The Appellant was a recipient of SNAP benefits. A review form for re-certification of her SNAP benefits was sent to her on March 16, 2015. (Exhibit D-1)
- 2) On April 17, 2015, the Appellant was sent notification that because she did not return the completed review form and register with WorkForce, her SNAP benefits were being terminated at the end of April. (Exhibit D-2)
- 3) Upon receipt of the closure notice, the Appellant contacted the Department. She spoke with the Department representative, Mr. VanKleeck, sometime before the end of April. He explained to the Appellant she needed to register with WorkForce and complete her SNAP review.
- 4) The Appellant did register with WorkForce, however, she failed to complete her SNAP review. This is undisputed.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (IMM) §1.2.B.2, explains that periodic reviews of total eligibility for recipients are mandated by law and take place at specific intervals. The redetermination process involves basically the same activities as the application process. The application may be held, pending receipt of necessary information or verification, but there are processing time limits which must be met. Failure by the client to complete a redetermination usually results in ineligibility.

DISCUSSION

The Appellant needed to complete and return her SNAP review form before the end of April 2015. She failed to do this. The Appellant did not contest the fact that she failed to return her SNAP review form. She stated that she never received the SNAP review form in the mail, citing many issues with mail delivery. However, she did receive notice of closure that was sent to the same address as the review form. The Appellant also did not contest that she was informed by Mr. VanKleeck that she needed to complete a review form in order to be evaluated for recertification of her SNAP benefits or that she needed to register with WorkForce. She did register with WorkForce, however she never completed her SNAP review form.

As the Appellant failed to complete a SNAP review form necessary for evaluation for re-certification of her SNAP benefits, the Department acted correctly in closing the Appellant's SNAP benefits.

CONCLUSION OF LAW

Whereas, the Appellant failed to complete her periodic SNAP review, the Department acted correctly in closing her SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Department's decision to close Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

ENTERED this 2nd day of June 2015.

Lori Woodward, State Hearing Official