



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
1400 Virginia Street
Oak Hill, WV 25901

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

June 25, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-2156

Dear Mr. [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: Michalle Boren, [REDACTED] DHHR

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

██████████,

Appellant,

v.

Action Number: 15-BOR-2156

**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 24, 2015, on an appeal filed May 26, 2015.

The matter before the Hearing Officer arises from the May 19, 2015, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Michalle Boren, 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 Department's Summary

D-2 Scheduling Order, Hearing/Grievance Request Notification and Hearing Request received May 26, 2015

D-3 Notice of Decision dated May 19, 2015

D-4 Case Comments Screen Print from May 2015-June 2015

D-5 WV Income Maintenance Manual §1.2B

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.
- 2) The Department issued a SNAP review form to the Appellant on April 13, 2015, to be completed and returned by May 1, 2015.
- 3) The Department issued Notice (D-3) on May 19, 2015, advising the Appellant that his SNAP benefits would be terminated effective June 1, 2015, for a failure to complete a SNAP review.
- 4) The Department received the Appellant's SNAP review form on June 17, 2015. SNAP benefits were recertified effective June 17, 2015.

APPLICABLE POLICY

WV Income Maintenance Manual §1.2.B states that periodic reviews of total eligibility for recipients are mandated by law. Failure to complete a redetermination can result in ineligibility. If the redetermination is completed by the specified program deadline and remains eligible, benefits will be uninterrupted.

DISCUSSION

The Appellant failed to complete an eligibility review prior to June 1, 2015. Per policy, SNAP benefits must be reviewed periodically to determine continued eligibility and cannot be continued with completing a redetermination. The Appellant did not dispute that his review form was not submitted until after his SNAP benefits were terminated.

CONCLUSIONS OF LAW

Whereas the Appellant failed to complete a SNAP redetermination prior to the end of his certification period, the Department correctly terminated his SNAP benefits.

DECISION

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

ENTERED this 25th day of June 2015

**Kristi Logan
State Hearing Officer**