



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

August 5, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 15-BOR-2485

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-2485**

**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 4, 2015, on an appeal filed July 6, 2015.

The matter before the Hearing Officer arises from the June 18, 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*. Appearing as witness for the Appellant was his sister, ██████████. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Summary
- D-2 CSLE Review form, dated May 11, 2015
- D-3 Signed and returned CSLE Review form, date stamped received on May 18, 2015
- D-4 CSL4 letter dated June 5, 2015, notice of second scheduled phone interview
- D-5 CMC1 notice of closure, dated June 18, 2015
- D-6 WV Income Maintenance Manual (IMM) §1.2.B (excerpt)

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 (CSLE) for re-certification of his SNAP benefits was sent on May 11, 2015. (Exhibit D-2)
- 2) The Appellant returned the CSLE indicating no changes to his contact information. (Exhibit D-3)
- 3) The Respondent was unable to reach the Appellant using the phone numbers he provided for the scheduled phone interview on June 4, 2015. A second phone interview was scheduled with a handwritten note to provide a phone number where he could be reached or that he could come into the local office at the rescheduled date and time to have a face-to-face interview in the alternative. (Exhibit D-4)
- 4) No new contact number was provided to the Respondent by the Appellant.
- 5) The Respondent was unable to reach the Appellant for the second scheduled phone interview. He did not complete his SNAP review, and his benefits were closed. (Exhibit D-5)

### **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 his SNAP review before the end of June 2015. The Respondent attempted to contact the Appellant to complete his SNAP review; however, the Appellant could not be contacted on the telephone numbers he provided. The Respondent gave the Appellant another scheduled appointment to complete his review with a request to provide a valid phone number upon which he could be contacted, or in the alternative, by returning to the local office to complete his review. He failed to do either. The Appellant admitted he did not provide the Respondent with a working phone number, and did not complete his SNAP review.

As the Appellant failed to complete his SNAP review which is necessary for re-certification of his SNAP benefits, the Department acted correctly in closing the Appellant's benefit case.

### **CONCLUSION OF LAW**

Whereas, the Appellant failed to complete his periodic SNAP review, the Department acted correctly in closing his 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 5<sup>th</sup> day of August 2015.**

---

**Lori Woodward, State Hearing Official**