



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

Esta es la decision de su Audiencia Imparcial. La decision del Departamento  
ha sido confirmada/invertido/remitido. Si usted tiene preguntas,  
por favor llame a Phillip Owens, 304-267-0100, ext. 71054

October 13, 2016

[REDACTED]  
[REDACTED]  
[REDACTED]

RE: [REDACTED] v. WV DHHR, ACTION NO.: 16-BOR-2596

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 Officer  
Member, State Board of Review

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

cc: Peter VanKleeck, WV DHHR

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

██████████,

**Appellant,**

**v.**

**Action Number: 16-BOR-2596**

**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 October 5, 2016, on an appeal filed August 31, 2016.

The matter before the Hearing Officer arises from the August 19, 2016 decision by the Respondent to close the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Ann Hubbard, Economic Support Supervisor. The Appellant appeared *pro se*. Appearing as a witness for the Appellant was his mother, ██████████. The witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Hearing Summary
- D-2 CSLR review form sent to Appellant, dated July 11, 2016
- D-3 Notice of closure (CMC1), dated August 19, 2016
- D-4 Screen print of SNAP E&T comments from Appellant's eRAPIDS case from April 15, 2016 – June 16, 2016
- D-5 West Virginia Income Maintenance Manual, Chapter 1, §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 Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) The Appellant's SNAP certification period ended August 2016.
- 3) On July 11, 2016, the Respondent sent a periodic review form (CSLR) to the Appellant for redetermination of his SNAP eligibility. (Exhibit D-2)
- 4) The CSLR informed the Appellant he must complete the form and return it to the Department by August 1, 2016 in order to participate in the scheduled telephone interview on August 10, 2016. (Exhibit D-2)
- 5) Because the Respondent did not receive the completed CSLR by August 1, 2016, the scheduled telephone interview was cancelled.
- 6) On August 19, 2016, the Respondent sent a notice of SNAP closure to the Appellant. (Exhibit D-3)

### **APPLICABLE POLICY**

WV Income Maintenance Manual (WV IMM) Chapter 1, §1.2.B.2 explains that periodic reviews are mandated by law, taking place at specific intervals. Failure by the client to complete a redetermination usually results in ineligibility.

WV IMM Chapter 1, §1.2.S.3 directs that SNAP benefits not be continued past the month of redetermination, unless a redetermination is completed and the client is found eligible.

### **DISCUSSION**

The Appellant's SNAP benefit certification period ended in August 2016. In order to complete a redetermination of his eligibility, he was to complete the CSLR form sent to him on July 11, 2016 and return it to the Department by August 1, 2016, to retain his scheduled telephone interview date of August 10, 2016. The Appellant failed to return the CSLR by August 1, 2016. Consequently, the scheduled telephone interview was cancelled, and on August 19, 2016, a SNAP benefit closure notice was sent to the Appellant.

The Appellant testified that he did return the completed CSLR directly to the local office on or about August 7, 2016. He asserted that it often takes two to three weeks for him to receive any mail from the Department which makes it very difficult to meet some of the deadlines set by the Department. He testified that he returned the CSLR to the local office soon after he received it and left a message for the worker, but never received a return call.

As the Respondent wanted to double check the Appellant's assertion that he returned the completed CSLR, the hearing was held open until October 12, 2016. As no further information was received to corroborate Appellant's assertion, the Respondent's decision to close the Appellant's benefits due to lack of review is affirmed.

### **CONCLUSIONS OF LAW**

- 1) The Appellant's SNAP certification period ended August 30, 2016.
- 2) The Appellant failed to complete a redetermination of SNAP eligibility by August 30, 2016.
- 3) The Respondent correctly closed the Appellant's SNAP benefits.

### **DECISION**

The Department's decision to close the Appellant's SNAP benefits because he did not complete a redetermination of his eligibility before the close of his certification period is **UPHELD**.

**ENTERED this 13<sup>th</sup> day of October 2016.**

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Lori Woodward, State Hearing Officer