



June 6, 2017

[REDACTED]

RE: [REDACTED] v. WV DHHR, ACTION NO.: 17-BOR-1619

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: David Griffin, WV DHHR

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

[REDACTED]
Appellant,

v.

Action Number: 17-BOR-1619

**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 [REDACTED]
[REDACTED]. 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 1, 2017, on an appeal filed April 11, 2017.

The matter before the Hearing Officer arises from the Respondent's April 5, 2017 approval of Supplemental Nutrition Assistance Program (SNAP) and Adult Medicaid benefit application.

At the hearing, the Respondent appeared by David Griffin, Economic Service Supervisor. The Appellant appeared *pro se*. The witnesses were sworn. There were no documents presented to admit into evidence.

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 made an application for SNAP and Medicaid benefits on March 1, 2017.
- 2) Policy requires that an applicant interview be conducted prior to SNAP benefit approval.
- 3) On March 2, 2017, the Respondent attempted to contact the Appellant twice using the telephone number provided on the application, but was unsuccessful.

- 4) As the Respondent was unsuccessful in contacting the Appellant by phone, an appointment was made for the Appellant at the local office for March 13, 2017, and notice was sent.
- 5) The Appellant failed to show for the local office appointment on March 13, 2017. However, she called the local office and left a voice message with a different contact phone number.
- 6) On March 28, 2017, a SNAP interview was accomplished and notice of approval of SNAP benefits was sent on April 5, 2017.
- 7) Both SNAP and Medicaid benefits were approved from the Appellant's application date of March 1, 2017, and benefits given retroactively.
- 8) The Appellant does not contest the amount or effective date of the SNAP or Medicaid benefits.
- 9) The Appellant complains that she did not receive her SNAP or Medicaid card until April 13, 2017.

APPLICABLE POLICY

An interview is required when an application form is required. All individuals who apply for SNAP benefits using any method are interviewed by phone unless the individual chooses to be interviewed face to face. (IMM §1.4.D)

When it is not feasible for an applicant to be interviewed on the date an interest is expressed, the applicant must be allowed to complete the process at a later date. An appointment may be scheduled for the applicant's return. (IMM §1.2.A.1)

When an application is received in person, by mail or by inROADS, and the client subsequently misses a scheduled interview, the following procedures apply:

- Notice must be sent to the client informing him that he missed the scheduled interview and that it is his responsibility to reschedule. The notice is system generated once the Worker updates the client's status to "no show." This notice must be sent to the client within a reasonable amount of time to ensure that the interview and/or application can be completed within the 30-day application processing period.
- If the client contacts the office within 30 days from the application date, the Worker reschedules the interview and issues the RAPIDS notice to confirm the rescheduled appointment. If eligibility is established in the 30-day application processing period, benefits are prorated from the date of application. The application is denied on the 30th day after the application date if the interview cannot be rescheduled within the 30-day application processing period. (IMM §1.4.R.4)

For Adult Group Medicaid, no interview is required. (IMM §1.5.D) Data system action must be taken to approve, deny or withdraw the application within 30 days of the date of application. (IMM §1.5.I) When the Department fails to request necessary verification, the Worker must immediately send the RAPIDS verification checklist or form DFA-6 to request it. He must inform the client that the application is being held pending. When the verification is received and the client is determined eligible, medical coverage is retroactive to the date eligibility would have been established. When the application is not processed within agency time limits, the application must be processed immediately upon discovery of the delay. (IMM §1.5.J)

DISCUSSION

The Appellant made an application for SNAP and adult Medicaid benefits on March 1, 2017. On March 2, 2017, after a few attempts to reach the Appellant by the telephone number she provided, the Respondent mailed the Appellant a notice of an in-office interview for March 13, 2017. The Appellant did not show for the in-office appointment; however, she contacted the Respondent by phone and left an alternate phone number for the Respondent to reach her for an interview. Finally, on March 28, 2017, the Appellant completed her interview. On April 5, 2017, the Appellant was sent notice of approval of SNAP and adult Medicaid benefits from March 1, 2017.

The Appellant does not contest the amount of SNAP benefits she received. She was unhappy that she did not receive her Electronic Benefit Transaction (EBT) card and her Medicaid card until April 13, 2017. Additionally, she was unhappy with her caseworker and felt she had an “arrogant attitude”. She requested that the Respondent provide her with a different worker, but did not get one. Therefore, the Appellant is requesting that the Board of Review order the Respondent to switch her caseworker. The Board of Review is without authority to grant the relief the Appellant is requesting as it is a matter of local office policy.

The testimony showed that the Respondent attempted to reach the Appellant in a timely manner to conduct the SNAP interview. Because the Appellant was unable to be reached by telephone, the Respondent set an in-office interview, and sent notice to the Appellant. The Appellant failed to show for her in-office interview. However, after contacting the Respondent and leaving another contact number, an interview was finally accomplished on March 28, 2017. Notice of SNAP and Medicaid benefit approval were sent on April 5, 2017. Although the approval was not within the 30-day timeframe for the Respondent to act on the Appellant’s March 1, 2017 application, the testimony showed that the Respondent did make several timely attempts to contact the Appellant to complete the required SNAP interview, and benefits were approved from the date of application.

Of note, there was no evidence presented to show why the Medicaid application was delayed. However, the Appellant’s Medicaid benefits were approved to the date of application.

CONCLUSION OF LAW

The Respondent correctly issued the Appellant’s SNAP and Adult Medicaid benefits from the date of application.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Department's determination of Appellant's SNAP and Medicaid benefits from the date of application.

ENTERED this 6th day of June 2017.

Lori Woodward, State Hearing Officer