



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
Raleigh District DHHR
407 Neville Street
Beckley, WV 25801

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

October 18, 2017



RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-2526

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: Tera Pendleton, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 17-BOR-2526

**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 17, 2017, on an appeal filed September 18, 2017.

The matter before the Hearing Officer arises from the September 18, 2017, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Tera Pendleton, 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 Case Comments from December 2016 through September 2017
- D-2 SNAP and Medicaid/WV CHIP Review Form received August 28, 2017 (page 1 of 16)
- D-3 SNAP Notice of Missed Interview dated September 14, 2017
- D-4 Notice of Decision dated September 18, 2017
- D-5 West Virginia Income Maintenance Manual §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.
- 2) The SNAP review form was mailed to the Appellant on August 16, 2017, advising that the form was to be completed and returned to the local office by September 1, 2017 (Exhibit D-2).
- 3) The SNAP review form also notified the Appellant that a telephone interview was scheduled for September 13, 2017, at 10:00 am, and if the telephone number listed on the form was incorrect, to contact the local office immediately (Exhibit D-2).
- 4) The SNAP review form was received by the local office on August 28, 2017 (Exhibit D-2).
- 5) The Appellant's caseworker attempted to call the Appellant on September 13, 2017, at the time of the scheduled telephone interview, but the Appellant did not answer (Exhibit D-1).
- 6) A Notice of Missed Interview was mailed to the Appellant on September 14, 2017, advising the Appellant that he failed to keep his scheduled appointment, and the responsibility to reschedule the appointment rested with him (Exhibit D-3).
- 7) The Appellant's SNAP benefits were terminated effective October 1, 2017, when he failed to complete a telephone interview (Exhibit D-4).

APPLICABLE POLICY

West Virginia Income Maintenance Manual §1.4(S)(5)(b) states that West Virginia has implemented waivers to eliminate the face-to-face interview at SNAP application and redetermination. A telephone interview is required for all applications unless the household requests a face-to-face interview. Assistance Groups (AGs) included in the SNAP waiver of the face-to-face interview must complete a redetermination by the end of the last month of eligibility. Under no circumstances are benefits continued beyond the last month of the certification period, unless the redetermination process has been completed and the AG is determined eligible. AGs that complete a redetermination in a timely manner, as specified in this section, must receive uninterrupted benefits or have lost benefits restored if the Department's delay causes an interruption in benefits.

RAPIDS form CSLE/CSLR or inROADS is used. The CSLE/CSLR inROADS redetermination or the DFA-2 and DFA-RR-1 or DFA-SNAP-1 may be used for a redetermination. RAPIDS automatically mails the CSLE in the last month of the certification period. The form must be completed and returned prior to the scheduled telephone interview date specified on the CSLE/CSLR. The form is considered complete when signed and dated by the client or his authorized representative or completed and submitted by inROADS. **An interview is required regardless of the method by which the redetermination is completed** [emphasis added].

DISCUSSION

Pursuant to policy, an eligibility review must be completed at the end of the SNAP certification period to continue receiving the benefit. At the end of the certification period, form CSLR is sent to households that are due for review. Form CSLR must be completed and returned, before a telephone interview can be conducted. An interview is required before the SNAP review is considered complete.

The Appellant did not dispute that he had not completed an interview as part of the SNAP redetermination process, either by telephone or in-person. The Appellant testified that he has a prepaid cellular telephone, and often runs out of minutes. The Appellant stated he had been unable to visit the local office to complete the required interview.

The Respondent attempted to complete an interview with the Appellant as scheduled on September 13, 2017. The Appellant was notified of the missed interview, and of his responsibility to reschedule the appointment, which he failed to do.

The Respondent terminated the Appellant's SNAP benefits for a failure to complete an eligibility review in accordance with policy.

CONCLUSIONS OF LAW

- 1) Pursuant to policy, SNAP benefits must be reviewed at the end of the certification period.
- 2) SNAP review forms are automatically mailed to recipients at the end of the SNAP certification period.
- 3) Once the SNAP review form is received, an interview is conducted to determine continued eligibility for SNAP benefits.
- 3) The Appellant failed to complete an interview at the end of his certification period.
- 4) SNAP benefits were correctly terminated.

DECISION

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

ENTERED this 18th day of October 2017

Kristi Logan
State Hearing Officer