



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

January 10, 2017

[REDACTED]
[REDACTED]
[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 16-BOR-2833

Dear Ms. [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: Alice James, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 16-BOR-2833

**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 January 5, 2017, on an appeal filed October 7, 2016.

The matter before the Hearing Officer arises from the October 11, 2016 decision by the Respondent to prorate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits for October 2016.

At the hearing, the Respondent appeared by Alice James, 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 July 2016-October 2016

D-2 Notice of Decision dated October 11, 2016

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 notified on August 22, 2016, that she was required to complete a periodic reporting form for her Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) The periodic reporting form that was mailed to the Appellant was due to be returned by September 1, 2016.
- 3) The Respondent issued a 10-day no contact letter to the Appellant on September 6, 2016, when the periodic reporting form had not been received.
- 4) The Appellant was notified on September 16, 2016, that her SNAP benefits would be terminated effective October 1, 2016, for failure to complete a periodic reporting form.
- 5) The Appellant came to the [REDACTED] County district office on October 7, 2016, inquiring about the SNAP termination.
- 6) The Appellant was advised that SNAP benefits were terminated for failure to complete a periodic reporting form
- 7) The Appellant completed the periodic reporting form on October 7, 2016, while at the [REDACTED] County district office.
- 8) The Appellant's SNAP benefits for October 2016 were prorated from the date she completed the periodic reporting form.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §2.2(B)(5) states All SNAP Assistance Groups (AGs) certified for 12 or 24 months must have a report completed in the mid-month of eligibility. RAPIDS automatically mails an Interim Contact Form to the AGs in the month of eligibility. Failure to return the contact form results in case closure. When the contact form is returned late, but is returned by the last day of the mid-month of eligibility, no new application is required. The AG's redetermination cycle will not change.

When a SNAP AG is closed for failure to complete the interim contact form, a new application is not required when the form is returned by the last day of the 13th month for households certified for 24 months. For households certified for 12 months, the form must be returned by the last day of the 7th month. Benefits are prorated from the date the interim contact form is returned. If the form is not returned, a new application must be completed.

DISCUSSION

Policy requires that a SNAP recipient must complete and submit a periodic reporting form during the sixth month of a twelve-month certification period. Failure to submit the periodic reporting form by the first day of the seventh month results in case closure.

The Appellant testified that she completed the periodic reporting form and mailed it to the Respondent approximately two (2) days after she received it. The Appellant could not explain how the form was not received by the Respondent.

The Respondent prorated the Appellant's SNAP benefits from the date the periodic reporting form was received. The Respondent issued two (2) separate notices to the Appellant advising that the periodic reporting form had not been received, but the Appellant did not contact the Respondent until after SNAP benefits were terminated.

SNAP benefits cannot be extended past the sixth month of a certification period without a completed periodic reporting form. Although the Appellant testified that she submitted the form prior to the deadline, she was notified that the form had not been received and could have completed a form prior to the termination of her SNAP benefits.

CONCLUSIONS OF LAW

- 1) Pursuant to policy, a periodic reporting form must be submitted in the sixth month of a twelve-month SNAP certification period.
- 2) The Respondent did not receive the Appellant's periodic reporting form in the sixth month of her certification period, therefore her SNAP benefits were terminated.
- 3) The Appellant's SNAP benefits were prorated from the date the periodic reporting form was received.
- 4) The Respondent acted in accordance to policy in the proration of the Appellant's SNAP benefits for October 2016.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Respondent's decision to prorate the Appellant's Supplemental Nutrition Assistance Program benefits for October 2016.

ENTERED this 10th day of January 2017

Kristi Logan
State Hearing Officer