



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL**

**Bill J. Crouch
Cabinet Secretary**

**BOARD OF REVIEW
Raleigh County District
407 Neville Street
Beckley, WV 25801**

**Jolynn Marra
Interim Inspector General**

December 3, 2020

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 20-BOR-2552

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
Certified State Hearing Officer
Member, State Board of Review

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

cc: Darlene Watkins, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 20-BOR-2552

**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 December 3, 2020, on an appeal filed November 16, 2020.

The matter before the Hearing Officer arises from the November 4, 2020 decision by the Respondent to deny the Appellant's application for Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Darlene Watkins, Economic Service Worker. The Appellant appeared *pro se*. Both witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

None

Appellant's Exhibits:

None

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 submitted a SNAP application on October 23, 2020.
- 2) The Appellant listed her telephone number as [REDACTED] on the SNAP application.
- 3) The Respondent attempted to call the Appellant for a telephone interview on October 27, 2020.
- 4) The Respondent was unable to contact the Appellant on October 27, 2020 and the Appellant's telephone would not accept a voicemail message.
- 5) The Respondent scheduled a telephone interview for the Appellant on November 2, 2020.
- 6) The Respondent was unable to contact the Appellant and could not leave a voicemail message as the voicemail box was "full".
- 7) The Respondent sent a notice to the Appellant on November 4, 2020 advising that she missed her SNAP interview and that she was required to contact the Respondent to schedule another appointment.
- 8) The Appellant requested a hearing on November 16, 2020.
- 9) The Respondent scheduled another telephone interview for the Appellant on November 24, 2020.
- 10) The Appellant contacted the Respondent's Customer Service Center on November 24, 2020 and advised that she had written the incorrect phone number on the SNAP application and that she could be contacted at [REDACTED].
- 11) The Respondent attempted to contact the Appellant at [REDACTED] several times on November 24, 2020 but received a recorded message advising that "the wireless number was not available".
- 12) The Appellant completed an interview on December 3, 2020 and pro-rated SNAP benefits were approved, effective the date of the interview.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §1.4.4 states an application form is considered complete when all relevant sections of the application form to a SNAP application are completed and the application form is signed by a responsible member of the assistance group (AG) or an authorized representative. The client is not required to provide a complete application form to begin the application process so long as the incomplete application form contains, at a minimum, the client's name, address, and signature. An incomplete application containing, at a minimum,

the client's name, address, and signature protects the date of application through the application process and must be acted upon. Whether the application received is complete or is an allowable incomplete application, an interview must be scheduled.

West Virginia Income Maintenance Manual §1.4.4 states 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. The worker must explain the interview options that are available. When an interview is completed by phone, an application form is still required. If the client submits an application form with only a name, address, and signature to protect their application date, the customer must provide another signature attesting the information provided during the phone interview is accurate.

West Virginia Income Maintenance Manual §1.4.4.A states when an application is received in person, by mail, or by WV PATH, 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 a 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.
- If the client misses both interviews or fails to keep or postpones the second interview at his request until after the 30th day following the date of application, the delay is the fault of the client. No benefits are issued until he completes an interview and supplies information to establish eligibility. The beginning date of eligibility is the date the information is supplied. Provisions in Section 1.4 for the beginning date of eligibility apply when the client completes all application requirements, including the interview, within 60 days of the date of application.
- Deny the application on the 30th day after the date of application when the client misses the scheduled interview and does not contact the office to reschedule it.

DISCUSSION

Pursuant to policy, an interview is required when a SNAP application is submitted. The interview is held by telephone unless a face-to-face interview is requested. When an applicant submits a SNAP application and misses the scheduled telephone interview, notice is sent advising of the missed appointment and the applicant's responsibility to reschedule the interview. If the applicant

contacts the Respondent after the missed interview within thirty (30) days of the date of application, a second interview is scheduled. SNAP benefits cannot be issued until an interview is completed.

The Respondent attempted to contact the Appellant for a telephone interview on October 27, 2020. The Respondent scheduled another interview for November 2, 2020, but the Appellant could not be reached. The Respondent scheduled a second interview for November 24, 2020, when the Appellant requested a hearing. The Appellant could not be reached on the date of the second scheduled interview.

The Appellant testified that she mistakenly gave the Respondent an incorrect telephone number on the October 23, 2020 SNAP application and contacted the Respondent and advised of the correct number. The Appellant contended that she receives her mail at a relative's address and did not receive the appointment letter for the November 24, 2020 interview until after the scheduled appointment time. The Appellant testified that she does not keep her cellular phone turned on unless she is expecting a call.

Policy stipulates that SNAP benefits cannot be approved unless an interview is completed. As of the time that the hearing was convened, the Appellant had failed to keep two (2) scheduled telephone interviews. After the conclusion of the hearing, the Appellant completed a interview and SNAP benefits were approved, effective December 3, 2020.

Whereas the Appellant failed to complete an interview within 30 days of the date of the SNAP application, the Respondent took appropriate action to pro-rate the Appellant's SNAP benefits from the date the Appellant completed an interview.

CONCLUSIONS OF LAW

- 1) Policy stipulates that an interview must be completed within (thirty) 30 days of the date of the SNAP application.
- 2) The Appellant missed two (2) scheduled telephone interviews with the Respondent.
- 3) The Respondent approved SNAP benefits for the Appellant effective December 3, 2020, once an interview had been completed.
- 4) The Respondent acted in accordance with policy in the pro-ration of the Appellant's SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Respondent's decision to pro-rate the Appellant's Supplemental Nutrition Assistance Program benefits from the date of the interview.

ENTERED this 3rd day of December 2020.

Kristi Logan
Certified State Hearing Officer