



**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**

May 4, 2021

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 21-BOR-1527

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: Morgan Toney, [REDACTED] County DHHR

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

██████████,

**Appellant,**

v.

**Action Number: 21-BOR-1527**

**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 May 4, 2021, on an appeal filed April 9, 2021.

The matter before the Hearing Officer arises from the February 16, 2021, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

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

**Department's Exhibits:**

- D-1 Hearing Summary
- D-2 Hearing Request received April 9, 2021
- D-3 Notice of Missed Appointment (CSLN) dated February 2, 2021
- D-4 Notice of Termination dated February 16, 2021
- D-5 Hearing Request Notification Form
- D-6 Case Comments from January 2021 – April 2021
- D-7 West Virginia Income Maintenance Manual §1.4.18
- D-8 West Virginia Income Maintenance Manual §1.2.2

**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 was a recipient of SNAP benefits.
- 2) The Appellant submitted a SNAP eligibility review form to the Respondent on January 25, 2021.
- 3) The Appellant was scheduled to complete a telephone interview on February 1, 2021 to complete her SNAP eligibility redetermination.
- 4) The Respondent attempted calling the Appellant three (3) times on February 1, 2021 to complete the interview using the two (2) telephone numbers on record for the Appellant (Exhibit D-6).
- 5) The Respondent was unable to make contact with the Appellant on February 1, 2021 (Exhibit D-6).
- 6) A Notice of Missed Appointment Letter was mailed to the Appellant on February 2, 2021, informing her that it was her responsibility to contact the Respondent to reschedule the appointment (Exhibit D-3).
- 7) The Respondent issued a Notice of Termination to the Appellant on February 16, 2021, when she failed to reschedule her telephone interview (Exhibit D-4).
- 8) The Appellant's SNAP benefits were terminated effective February 28, 2021.

**APPLICABLE POLICY**

West Virginia Income Maintenance Manual §1.2.2 states periodic reviews of total eligibility for recipients are mandated by federal law. These are redeterminations and take place at specific intervals, depending on the program or Medicaid coverage group. Failure by the client to complete a redetermination will result in termination of benefits. If the client completes the redetermination process by the specified program deadline(s) and remains eligible, benefits must be uninterrupted and received at approximately the same time.

West Virginia Income Maintenance Manual §§1.4.18.C and 1.4.18.D states an interview is required regardless of the method by which the redetermination is completed. A phone interview is conducted unless one the client or his authorized representative requests a face-to-face interview or the Department determines that a phone interview is not appropriate due to questionable circumstances. When the client submits a redetermination, either in person, by mail, fax or WV PATH, but fails to complete a scheduled interview for redetermination, he is notified of the missed interview and that it is his responsibility to reschedule the interview. In addition, he receives notice of assistance group (AG) closure if the redetermination is not completed. When the client does not submit a redetermination form, he is only notified of AG closure.

West Virginia Income Maintenance Manual §1.4.18.E states a SNAP redetermination is a reapplication for benefits. Under no circumstances are benefits continued past the month of redetermination, unless a redetermination is completed, and the client is found eligible.

### **DISCUSSION**

Policy requires that SNAP recipients undergo periodic reviews to determine continued eligibility for benefits. SNAP benefits cannot be continued past the month the eligibility redetermination is due, unless the redetermination is completed, and the recipient is found eligible.

The Appellant was scheduled to complete a telephone interview in conjunction with her SNAP review on February 1, 2021. The Respondent made several attempts to contact the Appellant using the telephone numbers on record but was unsuccessful. The Appellant was notified of the missed telephone appointment on February 2, 2021 and was informed that it was her responsibility to reschedule the appointment. The Appellant's SNAP benefits were terminated effective February 28, 2021 when the interview had not been completed. The Appellant did not contact the Respondent regarding her SNAP benefits until she requested a hearing on April 9, 2021.

The Appellant did not dispute that she did not complete an interview but testified she had been unable to visit the local office to reapply for SNAP benefits. The Appellant stated she has a new telephone number that she has been using for a few months.

It should be noted that the Appellant reapplied for SNAP benefits on April 29, 2021, and her application is currently pending for verification of her rent expense.

The Appellant failed to complete an eligibility redetermination as required by policy by failing to complete either a telephone or face-to-face interview. Whereas SNAP benefits cannot be continued unless an eligibility redetermination is completed, the Respondent acted in accordance with policy in terminating the Appellant's SNAP benefits.

### **CONCLUSIONS OF LAW**

- 1) Policy requires that SNAP recipients undergo periodic reviews to determine continued eligibility for benefits.

- 2) The Appellant missed her scheduled SNAP eligibility interview and did not contact the Respondent to reschedule the appointment.
- 3) The Respondent correctly terminated the Appellant's SNAP benefits at the end of her certification period.

### **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 4<sup>th</sup> day of May 2021.**

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**Kristi Logan**  
**Certified State Hearing Officer**