



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

**Bill J. Crouch
Cabinet Secretary**

**BOARD OF REVIEW
Berkeley County DHHR
PO Box 1247
Martinsburg, WV 25402**

**Jolynn Marra
Interim Inspector General**

Esta es la decision de su Audiencia Imparcial. La decision del Departamento ha sido confirmada/invertido/remitido. Si usted tiene preguntas, por favor llame a Keyla Dominquez o Ana Seymour, 304-267-0100

January 14, 2020

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 20-BOR-2615

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, J.D.
Certified State Hearing Officer
Member, State Board of Review

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

cc: Peter VanKleeck, BCF, [REDACTED] Co. DHHR

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

██████████,

Appellant,

v.

ACTION NO: 20-BOR-2615

**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 6, 2021, on an appeal filed December 1, 2020.

The matter before the Hearing Officer arises from the Respondent's November 18, 2020 decision to close the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Peter VanKleeck, Family Support Supervisor. The Appellant appeared *pro se*. Appearing as witness for the Appellant was ██████████, Home Health Aide. The witnesses were sworn, and the following documents were admitted into evidence:

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Supplemental Nutrition Assistance Program (SNAP) eligibility review form (CSLE), dated October 13, 2020
- D-3 Notice of closure (CMC1), November 18, 2020
- D-4 West Virginia Income Maintenance Manual, Chapter 1, §12.2.B

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) On October 13, 2020, the Respondent sent an eligibility review form with instructions to complete and return the form by November 1, 2020. (Exhibit D-2)
- 2) On November 18, 2020, the Respondent sent notice to the Appellant that her SNAP benefits were being closed because she did not complete an eligibility review. (Exhibit D-3)
- 3) The Appellant did not contest the fact that she did not complete a SNAP eligibility review.
- 4) The Appellant was hospitalized and transferred to the nursing home for rehabilitation from September to November 2020.

APPLICABLE POLICY

WV IMM, Chapter 1, §1.2.2.B, *Redetermination Process*, explains in part that 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.

WV IMM, Chapter 1, §1.4.18.E, *Completion*, instructs that 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. If the recipient is no longer eligible, the SNAP AG is closed.

DISCUSSION

On October 13, 2020, the Respondent sent the Appellant a SNAP redetermination form explaining she needed to complete and return the form by November 1, 2020 and complete a telephone interview. On November 18, 2020, the Respondent sent notice to the Appellant that her SNAP benefits were being closed because she did not complete the eligibility review. The Appellant is appealing the Respondent's decision to close her SNAP benefits.

The Appellant did not contest the fact that she failed to complete her eligibility review. Instead, the Appellant proffered that she was hospitalized at the end of September 2020 and then was transferred to the nursing home for rehabilitation until sometime near the end of November. Therefore, the Appellant testified she was unable to meet the deadline to complete her eligibility review.

Periodic reviews of total eligibility for recipients are mandated by federal law. Failure by a SNAP recipient to complete a redetermination will result in termination of benefits. Policy further mandates that under no circumstances are benefits continued past the month of redetermination, unless a redetermination is completed, and the client is found eligible. Although the Appellant was in the nursing home, she did not complete her redetermination review prior to the closure of her benefits. The Respondent's decision to close her SNAP benefits is affirmed.

CONCLUSIONS OF LAW

- 1) SNAP policy requires individuals to complete a SNAP redetermination, failure to do so results in termination.
- 2) The Respondent sent a redetermination form to the Appellant on October 13, 2020 explaining she needed to complete and return the form by November 1, 2020.
- 3) Because the Appellant did not complete her SNAP redetermination, the Respondent must terminate her SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Respondent's decision to close the Appellant's SNAP benefits.

ENTERED this 14th day of January 2021.

Lori Woodward, Certified State Hearing Officer