



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 20, 2021

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 20-BOR-2635

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-2635

**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 13, 2021, on an appeal filed December 7, 2020.

The matter before the Hearing Officer arises from November 18, 2020 decision by the Respondent to terminate 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*. All 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) review form (CSLE), dated October 14, 2020
- D-3 Notice (CMC1) of Supplemental Nutrition Assistance Program (SNAP) closure, dated November 18, 2020
- D-4 West Virginia Income Maintenance Manual (WV IMM), Chapter 1, §1.2.2.B

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) SNAP policy requires periodic reviews of eligibility. (Exhibit D-4)
- 3) On October 14, 2020, the Respondent sent the Appellant forms to complete his SNAP eligibility review with instructions to return the forms by November 1, 2020 and complete a telephone interview appointment scheduled on November 16, 2020. (Exhibit D-2)
- 4) On November 18, 2020, the Respondent issued a SNAP closure notice to the Appellant. (Exhibit D-3)
- 5) The Appellant does not contest the fact that he failed to complete his eligibility review.

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

Policy mandates periodic reviews for SNAP recipients be completed in order to determine continuing eligibility for the program benefit. These redeterminations take place at specific intervals, depending on the program. Failure by the client to complete a redetermination will result in termination of benefits.

On October 14, 2020, the Respondent sent a SNAP redetermination form to the Appellant with instructions that the form must be completed and returned by November 1, 2020, and instructions to complete a telephone interview scheduled for November 16, 2020. On November 18, 2020, a notice of closure was sent to the Appellant based upon not completing his SNAP eligibility review.

The Appellant did not contest the fact that he failed to complete his SNAP redetermination. He testified that he has been seriously ill with hospitalizations for approximately five months, including a two month hospitalization in the state of Virginia.

While the reason for the Appellant's failure to complete his redetermination is understandable, policy requires a redetermination be completed for continued eligibility determination. Failure to complete an eligibility review results in closure of SNAP benefits. The Respondent's decision to close the Appellant's SNAP benefits is affirmed.

CONCLUSION OF LAW

Whereas, the Appellant failed to complete his SNAP redetermination, the Respondent correctly closed his benefits.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to terminate the Appellant's SNAP and Adult Medicaid benefits.

ENTERED this 20th day of January 2021.

Lori Woodward, Certified State Hearing Officer