



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

**Bill J. Crouch
Cabinet Secretary**

**BOARD OF REVIEW
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Charleston, West Virginia 25313
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**Jolynn Marra
Interim Inspector General**

January 21, 2021

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.:20-BOR-2652

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,

Danielle C. Jarrett
State Hearing Officer
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision
Form IG-BR-29
cc: Tera Pendleton, Department Representative

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

[REDACTED],

Appellant,

v.

Action Number: 20-BOR-2652

**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 [REDACTED]. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' (WVDHHR) Common Chapters Manual. This fair hearing was convened on January 13, 2021, on an appeal filed December 9, 2020.

The matter before the Hearing Officer arises from the November 18, 2020 decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits for failure to complete a SNAP Eligibility Review.

At the hearing, the Respondent appeared by Tera Pendleton, Economic Service Worker, WVDHHR. The Appellant appeared by his representative, [REDACTED]. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 eRAPIDS system screenshot printout of Case Comments, November 4, 2020 through December 15, 2020
- D-2 Supplemental Nutrition Assistance Program (SNAP) Eligibility Review, dated October 27, 2020
- D-3 Notice of Missed SNAP Appointment, dated November 13, 2020
- D-4 Notice of Decision, dated November 18, 2020
- D-5 West Virginia Income Maintenance Manual (WV IMM) §§ 1.2.2 through 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 received Supplemental Nutrition Assistance Program (SNAP) benefits for a one-person Assistance Group (AG).
- 2) On October 15, 2020, the Respondent issued a notice advising the Appellant's representative that the Appellant was due for a SNAP review by November 30, 2020, and that the enclosed review form was to be returned by November 1, 2020. The notice indicated that failure to submit the form by the deadline would result in the termination of SNAP benefits after November 30, 2020. (Exhibit D-2)
- 3) The October 15, 2020 notice further advised the Appellant's representative that if the review form were submitted timely, a worker would contact her on November 12, 2020, to review the submitted form. (Exhibit D-2)
- 4) The Respondent received the Appellant's SNAP eligibility review form on October 26, 2020. (Exhibit D-2)
- 5) On November 12, 2020, the Respondent attempted to contact the Appellant's representative to conduct a telephone interview. (Exhibit D-1)
- 6) On November 13, 2020, the Respondent issued a notice advising the Appellant's representative that the Appellant failed to keep his scheduled appointment to complete a SNAP redetermination interview. (Exhibit D-3)
- 7) On November 18, 2020, the Respondent issued a notice advising the Appellant's representative that SNAP benefits were being terminated and would expire in November 2020, due to the Appellant not completing a SNAP Eligibility Review. (Exhibit D-4)
- 8) The November 18, 2020 notice advised the Appellant's representative that if an Eligibility Review is completed, SNAP benefits may be reopened, but they may be delayed. (Exhibits D-4)

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WV IMM) § 1.2.2.B reads that periodic reviews of total eligibility for recipients are mandated by law. These are redeterminations and take place at specific intervals, depending on the program. Failure by the client to complete a redetermination usually results in ineligibility. If the client completes the redetermination process by a specified program deadline(s) and remains eligible, benefits must be uninterrupted and received at

approximately the same time.

WV IMM § 1.2.3.A explains the Worker has general responsibilities in the application process, including the duty to inform the client of the process involved in establishing eligibility, including the Department's processing time limits.

WV IMM § 1.4.18.A Redetermination Forms provides in part:

The following methods can be used for redetermination:

- System generated redetermination forms (CSLE or CSLR)
- West Virginia People's Access to Help (WV PATH)
- DFA-2 and DFA-RR-1
- DFA-SNAP-1

The eligibility system automatically mails the CSLE in the last month of the certification period. The form must be completed and returned prior to the scheduled interview date specified on the CSLE/CSLR. The form is considered completed when signed and dated by the client or his authorized representative or completed and submitted by WV PATH.

WV IMM § 1.4.18.C Redetermination Interview provides in part:

An interview is required regardless of the method by which the redetermination is completed. A phone interview is conducted unless the client or his authorized representative requests a face-to-face interview. The Worker must schedule the appointment.

WV IMM § 1.4.18.D Scheduling Interviews provides in part:

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 the AG closure if the redetermination is not complete.

When an AG submits a completed CSLE/CSLR or WV PATH redetermination prior to the scheduled interview date, the Worker must contact the AG at the scheduled time to conduct the telephone interview. The Worker must make a reasonable attempt to contact the AG to conduct the telephone interview. If an AG does not answer the Worker's call, the Worker must document in case comments the reasonable attempt(s) made prior to a redetermination that the appointment was missed. The AG is notified of the missed interview and it is the AG's responsibility to reschedule. The notice of missed interview is scheduled in the notice of closure and/or denial.

WV IMM § 1.4.18.E explains 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.

WV IMM § 1.4.18.E.1 specifies that clients who fail to submit their redetermination form timely, fail to complete an interview, or fail to submit missing verification by the established deadline lose the right to uninterrupted benefits. Uninterrupted benefits are benefits received within 20 days of the last issuance. For longer certifications, uninterrupted benefits are benefits received at the usual time in the issuance cycle.

DISCUSSION

The Appellant was a recipient of SNAP benefits for a one-person AG. On October 15, 2020, the Respondent issued a notice advising the Appellant's representative that the Appellant's SNAP benefits were due for a review by November 30, 2020, and that the enclosed review form was to be returned by November 1, 2020. The notice indicated that failure to submit the review form by the deadline would result in the termination of SNAP benefits after November 30, 2020. The October 15, 2020 notice advised the Appellant's representative that if the SNAP review form was submitted timely, a worker would contact her on November 12, 2020, to review the form.

Policy states that periodic reviews of total eligibility for recipients are mandated by law. These are determinations that take place at specific intervals, depending on the program or coverage group. Failure by the Appellant to complete a redetermination usually results in ineligibility.

The Respondent received the Appellant's SNAP eligibility review form on October 26, 2020. The Respondent testified that on November 12, 2020, a Respondent worker attempted to contact the Appellant's representative to conduct a telephone interview. The Appellant's representative testified that she missed the Respondent's telephone call because she was on vacation in [REDACTED]. The Appellant's representative further testified that the Appellant is elderly and is not competent to handle his paperwork for the Department.

On November 13, 2020, the Respondent issued a notice advising the Appellant he failed to keep his scheduled SNAP redetermination appointment. On November 18, 2020, the Respondent issued a notice advising the Appellant's representative that SNAP benefits were being terminated and would expire in November 2020, due to the Appellant not completing a SNAP Eligibility Review. The November 18, 2020 notice advised the Appellant's representative that if a SNAP Eligibility Review is completed, SNAP benefits may be reopened, but they may be delayed.

Pursuant to the policy, because the Appellant's representative testified that she missed the Appellant's redetermination interview, it was the Appellant's representative's responsibility to reschedule. The Appellant's representative failed to reschedule a redetermination interview for the Appellant.

CONCLUSIONS OF LAW

- 1) Because the Appellant's representative submitted his SNAP Eligibility Review form before the end of the certification period, policy requires that a scheduled telephone interview be conducted.
- 2) Because a telephone interview was not completed for the Appellant, SNAP benefits were correctly terminated.
- 3) Because the Appellant's representative submitted the SNAP review form and the Respondent attempted to contact the Appellant's representative for a scheduled telephone interview, it is the Appellant's representative's responsibility to reschedule the interview.

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 (SNAP) benefits.

ENTERED this _____ day January 2021.

Danielle C. Jarrett
State Hearing Officer