



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

**Bill J. Crouch
Cabinet Secretary**

**Board of Review
State Capitol Complex
Building 6, Room 817-B
Charleston, West Virginia 25305
Telephone: (304) 352-0805 Fax: (304) 558-1992**

**Jolynn Marra
Inspector General**

February 1, 2022

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 22-BOR-1070

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,

Todd Thornton
State Hearing Officer
Member, State Board of Review

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

cc: Rita Asbury, Department Representative

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

████████████████████,

Appellant,

v.

Action Number: 22-BOR-1070

**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 February 1, 2022, on an appeal filed January 13, 2022.

The matter before the Hearing Officer arises from the December 17, 2021 decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits due to a work registration sanction.

At the hearing, the Respondent appeared by Rita Asbury. The Appellant appeared *pro se*. All witnesses were sworn and the following document was admitted into evidence.

EXHIBIT

Department's Exhibit:

D-1	Case comments from the Respondent's data system regarding the Appellant's case, entries dated October 19, 2021, through January 13, 2022
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Appellant's Exhibit:

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) On November 16, 2021, the Respondent mailed the Appellant an appointment date and time for review of her SNAP eligibility and a review form to return as part of the review process.
- 3) The Appellant did not return the required review form to the Respondent.
- 4) The Appellant did not complete the required review of SNAP eligibility.
- 5) The Respondent terminated SNAP benefits for failure to complete an eligibility review.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WVIMM) Chapter 1, §1.2.2.B, provides in part, “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...”

The policy for SNAP redeterminations is found in WVIMM, §1.4.15, which provides in part, “Redetermination procedures follow the same procedures as an application. An interview is required unless it is completed by the Social Security Administration (SSA)...”

The policy for determining initial and ongoing SNAP eligibility is found in WVIMM, §1.4, and at §1.4.4, this policy reads, in part, “An interview is required when an application form is required. See Section 1.4.1, Application Process, above for situations when an application form is not required.” WVIMM, §1.4.1, notes that, “When benefits are closed due to a change in circumstance, **other than a missed redetermination**, and the client requests his benefit be reopened within the certification period, no new application form is required when the client has not missed an issuance month.” (emphasis added)

DISCUSSION

The Appellant has appealed the Respondent’s decision to terminate her SNAP benefits for failure to complete a review of eligibility. The Respondent must show by a preponderance of the evidence that it properly terminated SNAP benefits on this basis.

The policy for SNAP requires periodic redeterminations of program eligibility. SNAP benefits are terminated when a SNAP review is not completed. With no testimony or evidence to indicate that the Appellant met any policy exceptions, the Appellant was required to complete an

interview and return an application/redetermination form as part of the review process. The Appellant did not complete an interview or return the form required to accompany that interview.

The Respondent made case comment entries (Exhibit D-1) in their data system, regarding the Appellant's case, indicating that the review form was not returned. These entries noted the Respondent worker checked two data systems – “OnBase” and “PATH” – and the form had not been submitted. The first entry was made on December 9, 2021, and the second entry indicated the form had not been returned as of January 13, 2022. The Appellant testified that she did return the form. When asked for a date, the Appellant testified that it was after December 9, 2021, but could not provide further specifics. The Respondent's multiple entries regarding unsuccessful searches for the form is given more weight than unclear testimony from the Appellant.

The testimony of the Appellant confirms the December 9, 2021, case comment (Exhibit D-1) in the Respondent's data system that the letter scheduling the review appointment was “...sent out 11/16/2021,” but neither party provided this document for reference in the hearing.

The case comments (Exhibit D-1) regarding the Appellant's case also reveal the Appellant was called on December 9, 2021, for her eligibility interview, but the Respondent worker was unable to reach the Appellant. The Appellant testified that the Respondent worker called her earlier than scheduled on December 9, 2021, but that she tried to call the worker back and left voice mail messages that were not returned. It is unclear if the Respondent worker called the Appellant earlier than scheduled because neither party provided evidence to document the time of the appointment; however, the review process requires the form to be returned to accompany the interview.

Based on the reliable evidence and testimony from this hearing, the Appellant failed to return the review form for her SNAP review and failed to complete the interview to redetermine her SNAP eligibility. The Respondent correctly terminated the SNAP benefits of the Appellant on this basis.

CONCLUSIONS OF LAW

- 1) Because the Appellant did not participate in the required SNAP eligibility interview and return the required form to accompany that interview, she did not complete the SNAP review process.
- 2) Because the Appellant did not complete the SNAP review process, the Respondent must terminate the Appellant's SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to terminate SNAP benefits based on failure to complete a review.

ENTERED this ____ Day of February 2022.

**Todd Thornton
State Hearing Officer**