



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

**Bill J. Crouch
Cabinet Secretary**

**BOARD OF REVIEW
P.O. Box 1736
Romney, WV 26757
304-822-6900**

**Jolynn Marra
Inspector General**

July 12, 2022

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 22-BOR-1772

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,

Eric L. Phillips
State Hearing Officer
Member, State Board of Review

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

cc: Jennifer Fischer, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 22-BOR-1772

**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 July 12, 2022, on appeal filed June 21, 2022.

The matter before the Hearing Officer arises from the June 17, 2022 decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Jennifer Fischer, Economic Service Supervisor. The Appellant appeared pro se. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Interim Contact Report Form dated May 16, 2022
- D-2 Interim Contact Report Form-Ten Day Notice dated June 3, 2022
- D-3 Notice of Decision dated June 17, 2022
- D-4 West Virginia Income Maintenance Manual § 10.4.2

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) On May 16, 2022, the Respondent issued notice to the Appellant informing him that a Interim Contact Report form (PRC-2) was required to be completed as a recertification of benefits by June 1, 2022. (Exhibit D-1)
- 3) On June 3, 2022, the Respondent provided notice to the Appellant advising him that the PRC-2 form had not been completed by the established date.
- 4) The Appellant did not submit the PRC-2 form.
- 5) On June 17, 2022, the Respondent provided notice to the Appellant advising him that his SNAP benefits would terminate effective June 30, 2022, because he failed to complete and return the PRC-2 form.

APPLICABLE POLICY

West Virginia Income Maintenance Manual § 10.4.2.D documents:

All SNAP AGs certified for 12 or 24 months must have a report completed in the mid-month of eligibility (the sixth month for 12-month certification periods, the twelfth month for 24-month certification periods).

SNAP must not continue into the 7th/13th month of certification if a complete Interim Contact Report (PRC-2) is not submitted. If the PRC-2 is returned late in the 7th/13th month, the AG must reapply for SNAP.

If the PRC-2 is returned late in the 7th/13th month, the worker will NOT update the eligibility system with any information provided on the PRC-2.

The Interim Contact Report (PRC-2) differs from a full-scale redetermination as follows:

- All sections of the Interim Contact Report (PRC-2) must be completed, and the form signed by the AG.

- The PRC-2 cannot be processed if received in the 7th month (for cases certified twelve months) or the 13th month (for cases certified for 24 months). The client MUST reapply.
- The contact report may be completed by mail.
- No interview is conducted unless the client requests one.

Verification of reported changes must be submitted for the report to be considered complete. If a change is reported that requires verification, it must be requested using a DFA-6. Failure to provide requested verification results in AG closure or loss of a deduction after advance notice.

The eligibility system automatically mails an Interim Contact Report form (PRC-2) to the AGs for the mid-month of eligibility. Failure to return the completed PRC-2 results in case closure. Changes reported on the PRC-2 are treated as changes reported during the certification period, not as changes reported during the completion of a redetermination. An application form cannot be used in substitution of an Interim Contact Report form (PRC-2) during the report month.

The SNAP AG is eligible to receive a deduction for some household expenses at any point during the certification period as long as the AG reported the expense information to the agency. If the AG fails to report an expense, they may receive less SNAP than they are eligible for. Once the AG reports and verifies the expense, they are eligible for an increase in SNAP the beginning of the following month.

When a SNAP AG is closed for failure to complete the Interim Contact Report (PRC-2), a new application is not required when the form is returned by:

- The last day of the 12th month for households certified for 24 months
- The last day of the 6th month for households certified for 12 months

If the PRC-2 is not returned, a new application for SNAP must be completed.

The PRC-2 can be processed if received by the last day of the 6th /12th month, but if no verification is included the AG MUST be given 10 days to return requested verification.

Proration in the 7th/13th month:

- If the AG reports changes that are needed to determine eligibility and verification is requested on the DFA-6, prorate the benefit from the date the information is returned to the agency. If verification is returned after the last day of the 7th/13th month, SNAP remains closed, and the AG must reapply.
- If the AG reports only expense changes, the benefit will not be prorated. A full month's benefit will be received for the 7th/13th month. The date of the benefit is

the date the PRC-2 was initially received by the agency, which will be in the 6th/12th month. When verification of the expense is received prior to confirmation in the eligibility system, the deduction will be allowed. If the expense is NOT verified, the PRC-2 is processed without the deduction. If verification of an expense is received after confirmation in the eligibility system, the verified expense is considered a reported change. Increases/decreases to SNAP based on a reported change are effective the month following the change report.

DISCUSSION

Policy requires that all SNAP households, certified for a twelve- or twenty-four-months timeframe, must have an Interim Contact Report (PRC-2) completed in the mid-month (the sixth month or twelfth month depending on the certification period) of eligibility. If the PRC-2 form is not submitted, SNAP benefits must not continue into additional months and the assistance group must reapply. On June 17, 2022, the Respondent terminated the Appellant's SNAP benefits because the PRC-2 form was not completed timely. The Respondent had to prove by a preponderance of the evidence that the Appellant failed to complete the necessary requirements in order to maintain his eligibility for SNAP benefits.

Jennifer Fischer, Economic Service Supervisor testified that a PRC-2 form was issued to the Appellant, and he was required to complete the necessary form and return to the office prior to June 30, 2022. Ms. Fischer indicated that the Respondent terminated the Appellant's SNAP benefits on June 30, 2022, when the Appellant failed to provide the completed PRC-2 to the local office. The Appellant testified that he had no recollection of receiving the PRC-2 form but did indicate that he had issues with his mail delivery, which may have attributed to him not receiving the form.

In order to maintain eligibility for SNAP benefits, a household must complete a PRC-2 form in the mid-month of their eligibility term. Because the required documentation was not returned in a timely manner the Respondent was correct in its decision to terminate the Appellant's SNAP benefits.

CONCLUSIONS OF LAW

- 1) SNAP assistance groups are required to complete an Interim Contact Report form in the mid-month of their certification period to maintain eligibility.
- 2) The Appellant was required to complete and return the form prior to June 30, 2022.
- 3) The Appellant failed to complete the necessary documentation to maintain his eligibility for SNAP benefits.
- 4) The Respondent correctly terminated the Appellant's SNAP benefits.

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 ____ day of July 2022.

Eric L. Phillips
State Hearing Officer