



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

**Bill J. Crouch
Cabinet Secretary**

**BOARD OF REVIEW
433 MidAtlantic Parkway
Martinsburg, WV 25404
Telephone: (304) 352-0805 Fax: (304) 558-1992**

**Jolynn Marra
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, 304-267-0100

September 21, 2022

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 22-BOR-1972

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]. DHHR

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

████████████████████,

Appellant,

v.

ACTION NO.: 22-BOR-1972

**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 September 14, 2022, on an appeal filed August 8, 2022.

The matter before the Hearing Officer arises from the Respondent's August 2, 2022 decision to deny the Appellant's Supplemental Nutrition Assistance Program (SNAP) application.

At the hearing, the Respondent appeared by Sandra Brown, Family Support Supervisor. The Appellant appeared *pro se*. The witnesses were placed under oath and the following documents were admitted into evidence:

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Medicaid and/or WVCHIP approval notice, dated July 5, 2022
- D-3 Notice of Scheduled Telephone Interview Appointment (CSLP), dated July 6, 2022
- D-4 Notice of Missed Appointment (CSLN), dated July 13, 2022
- D-5 Notice of Decision, dated August 2, 2022
- D-6 West Virginia Income Maintenance Manual, Chapter 1, §1.4.4, *et. seq.*

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) On June 30, 2022, the Appellant applied for SNAP and Medicaid benefits through West Virginia's on-line portal (WV PATH).
- 2) On July 1, 2022, the Appellant's Medicaid benefits were approved. (Exhibit D-2)
- 3) On July 6, 2022, the Respondent sent the Appellant a notice regarding a scheduled telephone interview for July 12, 2022 at 12:30 p.m. (Exhibit D-3)
- 4) The Appellant missed the July 12, 2022 appointment, and a notice of missed appointment informing the Appellant of her responsibility to reschedule the appointment was sent on July 13, 2022. (Exhibit D-4)
- 5) The Appellant failed to reschedule the appointment.
- 6) On August 2, 2022, notification of SNAP denial was sent to the Appellant. (Exhibit D-5)

APPLICABLE POLICY

WV IMM, Chapter 1, §1.4.4, Interview Required, explains in part that all individuals who apply for SNAP benefits using any method, must be interviewed by phone unless the individual chooses to be interviewed face-to-face. When a SNAP application is submitted using WV PATH, the Worker must schedule an interview with the client after the application is received.

WV IMM, Chapter 1, §1.4.4.A, Procedures for Missed Scheduled Interviews:

When an application is received in person, by mail, or by WV PATH, and the client subsequently misses a scheduled interview, the following procedures apply:

- Notice must be sent to the client informing him that he missed the scheduled interview and that it is his responsibility to reschedule. The notice is system-generated once the Worker updates the client's status to "no show." This notice must be sent to the client within a reasonable amount of time to ensure that the interview and/or application can be completed within the 30-day application processing period.
- If the client contacts the office within 30 days from the application date, the Worker reschedules the interview and issues a notice to confirm the rescheduled appointment. If eligibility is established in the 30-day application processing period, benefits are prorated from the date of application. **The application is denied on the 30th day after the application date, if the interview cannot be rescheduled within the 30-day application processing period.** [Emphasis added]

DISCUSSION

Policy requires that all SNAP applicants complete an interview either by telephone or face-to-face. When an application is received through the WV PATH on-line portal, the Respondent's worker must schedule a telephone interview.

The Appellant applied for SNAP and Medicaid benefits through the WV PATH portal on June 30, 2022. The Appellant's application for Medicaid was processed and approved without a telephone or face-to-face interview as policy does not require it. However, because policy does require a telephone or face-to-face interview to complete a SNAP application, a telephone appointment was set for July 12, 2022 at 12:30 p.m. Notification of the appointment was sent to the Appellant on July 6, 2022. Because the Appellant missed her scheduled appointment, a notification letter was sent on July 13, 2022, explaining that it was the Appellant's responsibility to reschedule the appointment and that failure to do so may result in the denial of her SNAP application. As the Appellant had not rescheduled the appointment, a notification of SNAP application denial was sent to the Appellant on August 2, 2022, 30 days after the application date.

The Appellant brings this appeal averring she never received a phone call on the date and time of the scheduled interview. However, at the same time, she stated that she did not receive notification of the scheduled appointment until July 17 or 18, 2022. The Appellant failed to explain how she knew that she was not contacted on July 12, 2022, if she was unaware of the scheduled review. Additionally, the Appellant testified that she tried on four occasions to reschedule the interview and left messages. The Appellant's testimony was not convincing. The Respondent's representative, Sandra Brown, testified that there was no record of any attempts made by the Appellant to reschedule the interview.

The Respondent showed by a preponderance of evidence that the Appellant's SNAP application denial was correct.

CONCLUSIONS OF LAW

- 1) Policy requires that SNAP applicants complete an interview as part of the eligibility process.
- 2) The Respondent sent notification of the Appellant's SNAP interview appointment on July 6, 2022.
- 3) Because the Appellant failed to appear for the scheduled appointment, a notification that the Appellant must reschedule the SNAP appointment was sent on July 13, 2022.
- 4) The Appellant did not complete the required interview for SNAP eligibility.
- 5) Because policy requires that SNAP applications be denied if an interview is not completed within 30 days from the date of application, the Respondent correctly denied the Appellant's June 30, 2022 SNAP application.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's denial of the Appellant's SNAP application.

ENTERED this 21st day of September 2022

Lori Woodward, Certified State Hearing Officer