



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Bill J. Crouch
Cabinet Secretary

Jolynn Marra
Inspector General

September 9, 2022

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 22-BOR-2005

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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

Cc Jessica Koch, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 22-BOR-2005

**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 7, 2022, on an appeal filed August 16, 2022.

The matter before the Hearing Officer arises from the July 28, 2022, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Jessica Koch, Economic Services Supervisor, WVDHHR. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 SNAP 6 or 12 Month Contact Form dated June 13, 2022
- D-2 Case Comments dated June 22, 2022
- D-3 Copy of returned mail information received by Respondent on June 21, 2022
- D-4 10 Day Notice of Not Returning the Interim Contact Form dated July 6, 2022
- D-5 Notice of Decision dated July 28, 2022

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 Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) The Respondent sent the Appellant a SNAP 6 or 12 Month Contact Form (PRC-2) on June 13, 2022. The form was required to be returned by July 1, 2022 (Exhibit D-1).
- 3) The SNAP Contact Form was returned to the Respondent by the U.S. Postal Service as undeliverable on June 21, 2022, as the Appellant had an address change (Exhibit D-3).
- 4) The Respondent updated the Appellant's address and remailed the SNAP Contact Form to the Appellant's new address (Exhibit D-2).
- 5) The Respondent sent the Appellant a 10 Day Notice of Not Returning the Interim Contact Form on July 6, 2022 (Exhibit D-4).
- 6) The Appellant failed to return the 6 or 12 Month Contact Form to the Respondent.
- 7) The Respondent sent the Appellant a Notice of Decision on July 28, 2022, indicating that his SNAP benefits would be terminated effective August 2022 (Exhibit D-5).

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 10.4.2.D states that all SNAP Assistance Groups (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).

This report differs from a full-scale redetermination as follows:

- The contact report may be completed by mail.
- No interview is conducted unless the client requests one. The eligibility system automatically mails an Interim Contact 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. Verification is not required for the form 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.

When the completed PRC-2 is returned late but is returned by the last day of the mid-month of

eligibility, no new application is required. When a SNAP AG is closed for failure to complete the PRC-2, a new application is not required when the form is returned by:

- The last day of the 13th month for households certified for 24 months
- The last day of the 7th month for households certified for 12 months

Benefits are prorated from the date the PRC-2 is received. If the PRC-2 is not returned, a new application must be completed

DISCUSSION

Policy states that all SNAP Assistance Groups 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). Failure to complete the form results in case closure.

The Appellant testified that he completed and returned the SNAP 6 or 12 Month Contact Form to the Respondent's office and an employee made copies of his income verification. However, the Respondent's representative, Jessica Koch, stated that the SNAP Contact Form was not received. Ms. Koch testified that there may have been some confusion because the Appellant's Medicaid review was also completed during the same period. Ms. Koch indicated that the Appellant would now need to reapply for SNAP benefits.

As there is no record of the Appellant's SNAP Contact Form having been received, the Respondent's decision to terminate SNAP benefits is correct.

CONCLUSIONS OF LAW

- 1) Policy states that all SNAP Assistance Groups 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). Failure to complete the form results in case closure.
- 2) The Appellant was required to complete and return his SNAP 6 or 12 Month Contact Form by July 1, 2022.
- 3) The Appellant failed to return the SNAP Contact Form to the Respondent.
- 4) The Appellant's SNAP benefits closed effective August 2022.
- 5) The Respondent's decision to terminate SNAP benefits based on failure to submit the SNAP 6 or 12 Month Contact Form is correct.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to terminate SNAP benefits.

ENTERED this 9th Day of September 2022.

**Pamela L. Hinzman
State Hearing Officer**