



**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

October 19, 2022

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 22-BOR-2181

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-2181

**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 October 18, 2022, on an appeal filed September 22, 2022.

The matter before the Hearing Officer arises from the Respondent's September 16, 2022 decision to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Ann Hubbard, Economic Services 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 Supplemental Nutrition Assistance Program (SNAP) – 6 or 12 month contact form (PRC2), dated August 15, 2022
- D-3 10 Day Notice of Not Returning the Interim Contact Form, dated September 6, 2022
- D-4 Notice of Closure (CMC2), dated September 16, 2022
- D-5 Notice of SNAP reinstatement pending fair hearing (NRBR) decision, dated September 26, 2022
- D-6 West Virginia Income Maintenance Manual, Chapter 1, §1.4.1.D
- D-7 West Virginia Income Maintenance Manual, Chapter 1, §1.4.14.A.2
- D-8 West Virginia Income Maintenance Manual, Chapter 10, §10.4.2.D

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) As a recipient of SNAP benefits, the Appellant was required to return a completed Interim Contact Report Form (PRC-2) to continue receiving benefits.
- 2) On August 15, 2022, the Respondent sent the Appellant a SNAP Interim Contact Report Form (PRC-2) to complete and return by September 1, 2022. (Exhibit D-2)
- 3) On September 6, 2022, the Respondent sent the Appellant a 10 Day Notice of Not Returning the Interim Contact Report Form. (Exhibit D-3)
- 4) On September 16, 2022, the Respondent sent the Appellant notification of closure of his SNAP benefits at the end of September 2022. (Exhibit D-4)
- 5) On September 26, 2022, the Respondent reinstated the Appellant's SNAP benefits pending a fair hearing decision. (Exhibit D-5)

APPLICABLE POLICY

WV IMM, Chapter 10, §10.4.2.D, Interim Contact Reports (PRC-2), in pertinent part, explains that 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 ...**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 ...** An application form cannot be used in substitution of an Interim Contact Report form (PRC-2) during the report month. [Emphasis added]

WV IMM, Chapter 1, §1.4.1.D, Failure to Submit a Complete Interim Contact Report PRC-2, states in pertinent part, that when a SNAP AG is closed for failure to submit a complete Interim Contact Report (PRC-2), a new application is not needed if the PRC-2 is returned by the last day of the month in which it is due. (This will be the 12th month for cases certified for 24 months and the 6th month for cases certified for 12 months). **If the Interim Contact Report (PRC-2) is received in the 7th month or later (for cases certified for 12 months) or 13th month or later (for cases certified for 24 months), the PRC-2 CANNOT be processed by the agency, the AG must complete a new application to receive SNAP.** In this situation, the worker will NOT update the eligibility system with any information provided on the PRC-2. [Emphasis added]

DISCUSSION

Policy requires that all SNAP assistance groups (AGs) certified for 12 or 24 months 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). 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 prior to the end of the sixth or twelfth month results in case closure.

The Appellant was required to return a completed PRC-2 to continue receiving his SNAP benefits. The Respondent mailed the PRC-2 to the Appellant on August 15, 2022, explaining that he must return the completed form by September 1, 2022. On September 6, 2022, the Respondent sent a 10-Day Notice of Not Returning the PRC-2 and included the toll-free contact number for the Customer Service Reporting Center. Notification of SNAP benefit closure was sent to the Appellant on September 16, 2022. The Appellant brought this appeal asserting that he had returned the PRC-2 form prior to the due date along with verification of shelter/utility expenses and medical expenses.

The Respondent's representative, Ann Hubbard, explained that the Appellant completed a Medicaid review in June 2022, and that the PRC-2 form does not require verification of medical expenses. Ms. Hubbard testified that the local office has not received a completed PRC-2 from the Appellant. The Appellant's request for a fair hearing was received on September 22, 2022, and because it was timely, the Respondent reinstated his SNAP benefits pending a decision in this case. Unfortunately, the Appellant did not submit a PRC-2 prior to the end of September 2022 and, therefore, he must reapply for SNAP benefits. The Respondent's decision to terminate the Appellant's SNAP benefits is affirmed.

CONCLUSIONS OF LAW

- 1) Policy requires that SNAP recipients submit a PRC-2 prior to the end of the sixth month or twelfth month of benefits to continue receiving benefits. Failure to return the completed PRC-2 prior to the end of the sixth or twelfth month results in case closure.
- 2) The Appellant's PRC-2 was due by the end of September 2022.
- 3) Because the Appellant's PRC-2 was submitted prior to the end of September 2022, 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 the Appellant's SNAP benefits.

ENTERED this 19th day of October 2022

Lori Woodward, Certified State Hearing Officer