



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

**Bill J. Crouch  
Cabinet Secretary**

**BOARD OF REVIEW  
Raleigh County DHHR  
407 Neville Street  
Beckley, WV 25801**

**Sheila Lee  
Interim Inspector General**

November 16, 2022



RE: [REDACTED] v. WV DHHR  
ACTION NO.: 22-BOR-2408

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,

Kristi Logan  
Certified State Hearing Officer  
Member, State Board of Review

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

cc: Jill Rhodes, [REDACTED] DHHR

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

██████████,

**Appellant,**

**v.**

**Action Number: 22-BOR-2408**

**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 November 15, 2022, on an appeal filed October 26, 2022.

The matter before the Hearing Officer arises from the October 19, 2022, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Jill Rhodes, Economic Service Worker. The Appellant was self-represented. The witnesses were sworn in, and the following documents were admitted into evidence.

**Department's Exhibits:**

None

**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) The Respondent mailed a SNAP review form (CSLR) to the Appellant on September 12, 2022, to be completed and returned by October 1, 2022.
- 3) The SNAP review form included an appointment for a telephone interview for October 12, 2022.
- 4) The Respondent did not receive the Appellant's completed SNAP review form by the date of the telephone interview.
- 5) The Appellant contacted the Respondent on October 14, 2022, inquiring about the SNAP review form.
- 6) A duplicate SNAP review form was mailed to the Appellant on October 24, 2022.
- 7) The Appellant contacted the Respondent on October 31, 2022, after receiving a SNAP closure notice. A duplicate SNAP review form was mailed to the Appellant's niece's address in [REDACTED] West Virginia at his request.
- 8) The Respondent has not received a completed SNAP review form from the Appellant.

## **APPLICABLE POLICY**

West Virginia Income Maintenance Manual §1.4.18 explains the SNAP redetermination process.

### **1.4.18.A Redetermination Forms**

The eligibility system automatically mails the CSLE/CSLR in the month prior to the last month of certification. The form must be completed and returned prior to the scheduled interview date specified on the CSLE/CSLR. The form is considered complete when signed and dated by the client or his authorized representative or completed and submitted by WV PATH.

### **1.4.18.C Redetermination Interview**

An interview is required regardless of the method by which the redetermination is completed. A phone interview is conducted unless one or more of the following criteria is met:

- The client or his authorized representative requests a face-to-face interview. The Worker must schedule the appointment; or
- The Department determines that a phone interview is not appropriate due to questionable circumstances.

### **1.4.18.D Scheduling Interviews**

When the client submits a redetermination, either in person, by mail, fax or WV PATH, but fails to complete a scheduled interview for redetermination, he is notified of the missed interview and

that it is his responsibility to reschedule the interview. In addition, he receives notice of assistance group (AG) closure if the redetermination is not completed. When the client does not submit a redetermination form, he is only notified of AG closure.

#### **1.4.18.D.1 Aligning SNAP Review Dates**

When an AG submits a completed CSLE/CSLR or WV PATH redetermination prior to the scheduled interview date, the Worker must contact the AG at the scheduled time to conduct the telephone interview. The Worker must make a reasonable attempt to contact the AG to conduct the telephone interview. If an AG does not answer the Worker's call, the Worker must document in case comments the reasonable attempt(s) made prior to a determination that the appointment was missed. The AG is notified of the missed interview, and it is the AG's responsibility to reschedule. The notice of missed interview is included in the notice of closure and/or denial. When an AG submits a completed CSLE/CSLR or WV PATH redetermination after the originally scheduled interview date, the Worker must schedule another interview appointment. The interview appointment must be scheduled using current system procedures allowing time to provide notice to the client and to conduct the interview.

#### **1.4.18.E Completion**

A SNAP redetermination is a reapplication for benefits. Under no circumstances are benefits continued past the month of redetermination, unless a redetermination is completed, and the client is found eligible.

### **DISCUSSION**

Pursuant to policy, all SNAP cases must be reviewed periodically to determine continued eligibility for benefits. SNAP benefits cannot be continued past the month the redetermination is due, unless the redetermination is completed.

The Respondent mailed three (3) SNAP review forms to the Appellant but contended that a completed form had not been returned by the Appellant. The Appellant did not contest the receipt of three separate review forms but testified that the first review form was hand delivered to the local office and left in the after hours drop box. The Appellant stated he mailed the other two (2) forms, one was mailed from [REDACTED] and the other was mailed from [REDACTED] where he was temporarily visiting his niece.

A SNAP redetermination is considered complete when a SNAP review form has been completed and returned to the Respondent and a telephone interview has been conducted. As of the date of the hearing, the Respondent has not received a review form from the Appellant and no interview has been completed. Federal regulations prohibit the continuation of SNAP benefits past the month of recertification unless a redetermination has been completed and the recipient found eligible. Despite the numerous attempts made by the Appellant to submit his SNAP review form, there is no record that a completed review has been received.

Whereas a completed SNAP review has not been received by the Respondent and an interview has not been conducted, SNAP benefits cannot be continued past the month of recertification.

### **CONCLUSIONS OF LAW**

- 1) Pursuant to policy, all SNAP cases must be reviewed periodically to determine continued eligibility for benefits.
- 2) A SNAP redetermination is considered complete when a review form has been submitted and an interview conducted.
- 3) A completed SNAP review form has not been received by the Respondent and an interview has not been conducted.
- 4) The Respondent's decision to terminate the Appellant's SNAP benefits for failure to complete a redetermination is affirmed.

### **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 16<sup>th</sup> day of November 2022.**

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**Kristi Logan**  
**Certified State Hearing Officer**