



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of the Inspector General
Board of Review**

**Jeffery H. Coben, MD
Interim Cabinet Secretary**

**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.**

**Sheila Lee
Interim Inspector General**

February 15, 2023

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 23-BOR-1028

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: Recourse to Hearing Decision
Form IG-BR-29

cc: Peter Vankleeck, BFA, [REDACTED] DHHR

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

[REDACTED]

Appellant,

v.

Action Number: 23-BOR-1028

**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 [REDACTED]. 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 February 15, 2023.

The matter before the Hearing Officer arises from the December 19, 2022 decision by the Respondent to close Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Peter VanKleeck. The Appellant appeared *pro se*. The witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Summary
- D-2 Supplemental Nutrition Assistance Program (SNAP) – 6 or 12 month contact form (PRC-2), dated November 14, 2022
- D-3 10 Day Notice of Not Returning the Interim Contact Form (CNAD), dated December 5, 2022
- D-4 Closure Notice (CMC2), dated December 19, 2022
- D-5 West Virginia Income Maintenance Manual Chapter 1, §1.4.1.D
- D-6 West Virginia Income Maintenance Manual Chapter 1, §1.4.14.A.2
- D-7 West Virginia Income Maintenance Manual Chapter 10, §10.4.2.D

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 November 14, 2022, the Respondent sent the Appellant a SNAP Interim Contact Report Form (PRC-2) to complete and return by December 1, 2022. (Exhibit D-2)
- 3) On December 5, 2022, the Respondent sent the Appellant a 10 Day Notice of Not Returning the Interim Contact Report Form. (Exhibit D-3)
- 4) On December 19, 2022, the Respondent sent the Appellant notification of closure of her SNAP benefits at the end of December 2022. (Exhibit D-4)

APPLICABLE POLICY

7 CFR 273.12(a)(5) Notification of simplified reporting requirement. At the initial certification, recertification and when the State agency transfers the households to simplified reporting, the State agency shall provide the household with the following:

...

(iii) Periodic report.

...

(B) Submission of periodic reports by non-exempt households. Households that are certified for longer than 6 months, except those households described in §273.12(a)(5)(iii)(A), must file a periodic report between 4 months and 6 months, as required by the State agency. Households in which all adult members are elderly or have a disability with no earned income and are certified for periods lasting between 13 months and 24 months must file a periodic report once a year. In selecting a due date for the periodic report, the State agency must provide itself sufficient time to process reports so that households that have reported changes that will reduce or terminate benefits will receive adequate notice of action on the report in the first month of the new reporting period.

...

(E) If a household fails to file a complete report by the specified filing date, the State agency shall provide the household with a reminder notice advising the household that it has 10 days from the date the State agency mails the notice to file a complete report. If an eligible household files a complete periodic report during this 10-day period, the State agency shall provide it with an opportunity to participate no later than ten days after its normal issuance date. If the household does not respond to the reminder notice, the household's participation shall be terminated, and the State agency must send an adequate notice of termination described in paragraph (a)(5)(iii)(C) of this section.

(F) If an eligible household that has been terminated for failure to file a complete report files a complete report after its extended filing date under (E), but before the end of the issuance month, the State agency may choose to reinstate the household. If the household has requested a fair hearing on the basis that a complete periodic report was filed, but the State does not have it, the State agency shall reinstate the household **if a completed periodic report is filed before the end of the issuance month.** [Emphasis added]

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

SNAP regulations require 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 her SNAP benefits. The Respondent mailed the PRC-2 to the Appellant on November 14, 2022, explaining that she must return the completed form by December 1, 2022. On December 5, 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 December 19, 2022.

The Appellant brought this appeal asserting that she had been out of the state and only returned on December 15, 2022, which was not enough time to return the PRC-2. However, the Appellant had two weeks by her own testimony in which to return the PRC-2 but failed to do so. Because the Appellant failed to return the interim report form before the end of December 2022, SNAP regulations require that her benefits be closed. The Respondent's decision to terminate the Appellant's SNAP benefits is affirmed.

CONCLUSIONS OF LAW

- 1) Policy requires that SNAP recipients submit a completed PRC-2 form 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 December 2022.
- 3) Because the Appellant failed to return a completed PRC-2 form, 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 15th day of February 2023.

**Lori Woodward
Certified State Hearing Officer
Member, Board of Review**