



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

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

**Sheila Lee  
Interim Inspector General**

April 19, 2023

[REDACTED]

RE: [REDACTED] v. WVDHHR  
ACTION NO.: 23-BOR-1386

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: 23-BOR-1386**

**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 April 4, 2023.

The matter before the Hearing Officer arises from the decision by the Respondent to deny 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 Notice of Decision dated March 8, 2023
- D-2 Notice of Telephone Interview Appointment dated February 6, 2023
- D-3 Notice regarding failure to keep appointment for telephone interview dated February 10, 2023
- D-4 Case Comments from Respondent's computer system
- D-5 Online SNAP application submitted on February 4, 2023

**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 submitted an online application for Supplemental Nutrition Assistance Program (SNAP) benefits on February 4, 2023 (Exhibit D-5).
- 2) The Respondent determined that the Appellant was eligible for expedited services since he reported no income on his SNAP application (Exhibit D-5).
- 3) The Appellant listed his telephone number on the SNAP application as [REDACTED] (Exhibit D-5).
- 4) The Respondent's worker scheduled a telephone interview appointment for February 9, 2023, to determine the Appellant's eligibility for SNAP benefits (Exhibit D-2).
- 5) The Respondent's worker attempted to contact the Appellant on February 9, 2023, at the telephone number listed on the SNAP application (Exhibit D-4).
- 6) Upon dialing the telephone number, the Respondent's worker received a message that the number was not a working number (Exhibit D-4).
- 7) On February 10, 2023, the Respondent sent the Appellant a letter informing him that he missed his application appointment and that he was responsible for rescheduling the appointment (Exhibit D-3).
- 8) The Respondent's worker received a voice mail message from the Appellant on February 21, 2023, requesting that the worker return his call at telephone number [REDACTED] (Exhibit D-4).
- 9) The Respondent's worker attempted to contact the Appellant, but received a message indicating that the phone number provided was not accepting calls (Exhibit D-4).
- 10) The Respondent's worker received a voice mail message from the Appellant on March 1, 2023, and attempted to return his phone call. The worker reached a recording which indicated that the wireless customer was unavailable (Exhibit D-4).
- 11) The Respondent's worker received a voice mail message from the Appellant on March 3, 2023, and attempted to return the call at the number provided in the message, [REDACTED]. Upon placing the call, the worker received a message stating the wireless customer was unavailable (Exhibit D-4).

- 12) On March 8, 2023, the Respondent sent the Appellant a Notice of Decision indicating that his SNAP application was denied because he did not complete a required telephone or face-to-face interview (Exhibit D-1).

### **APPLICABLE POLICY**

Code of Federal Regulations 7 CFR § 273.2(e)(3):

The State agency must schedule an interview for all applicant households who are not interviewed on the day they submit their applications. To the extent practicable, the State agency must schedule the interview to accommodate the needs of groups with special circumstances, including working households. The State agency must schedule all interviews as promptly as possible to insure eligible households receive an opportunity to participate within 30 days after the application is filed. The State agency must notify each household that misses its interview appointment that it missed the scheduled interview and that the household is responsible for rescheduling a missed interview. If the household contacts the State agency within the 30 day application processing period, the State agency must schedule a second interview. The State agency may not deny a household's application prior to the 30th day after application if the household fails to appear for the first scheduled interview. If the household requests a second interview during the 30-day application processing period and is determined eligible, the State agency must issue prorated benefits from the date of application.

West Virginia Income Maintenance Manual Chapter 1.4.4 states that all individuals who apply for SNAP benefits, using any method, are 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.

West Virginia Income Maintenance Manual Chapter 1.4.4.A states that 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.

### **DISCUSSION**

Policy states that when a SNAP applicant misses a telephone appointment, but contacts the office within 30 days of 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.

The Appellant testified that he provided the incorrect telephone number on his online SNAP application, stating that he is disabled and has dyscalculia (a condition that causes difficulty with numbers). The Appellant purported that he is hard of hearing and doesn't always hear his phone ringing. He indicated that he attempted to call the Department back when he noticed that he had missed calls.

Jessica Koch, Economic Services Supervisor for the Respondent, testified that the Appellant could reapply for SNAP benefits at any time.

The Appellant missed the original telephone interview for his SNAP application because he listed an incorrect telephone number on the application. As a result, the Respondent sent the Appellant a letter indicating that he would need to reschedule the interview. The Appellant attempted to contact the Respondent after receiving the letter, but the Respondent's worker received no answer upon returning his calls. As a result, the interview could not be rescheduled within the 30-day application processing period. Therefore, the Respondent correctly denied the Appellant's SNAP application.

### **CONCLUSIONS OF LAW**

- 1) Policy states that when a SNAP applicant misses a telephone appointment, but contacts the office within 30 days of the application date, the worker reschedules the interview and issues a notice to confirm the rescheduled appointment. 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.
- 2) The Appellant missed the telephone interview for his SNAP application on February 9, 2023.
- 3) The Appellant's interview was not rescheduled within the 30-day application processing period.

- 4) The Respondent acted correctly in denying the Appellant's February 4, 2023, SNAP application.

### **DECISION**

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

**ENTERED this 19th day of April 2023.**

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**Pamela L. Hinzman  
State Hearing Officer**