



**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 304-267-0100.**

**Sheila Lee
Interim Inspector General**

June 7, 2023

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO: 23-BOR-1701

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: Ann Hubbard, BFA, WV DHHR

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

██████████,

Appellant,

v.

Action Number: 23-BOR-1701

**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 June 7, 2023, on appeal filed May 4, 2023.

The matter before the Hearing Officer arises from the April 18, 2023 decision by the Respondent to close 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*. Appearing as a witness for the Appellant was ██████████, Nurse Aide. 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) review form (CSLE), dated March 13, 2023
- D-3 Supplemental Nutrition Assistance Program (SNAP) notice of missed review (CSLN), dated April 7, 2023
- D-4 Notice of closure (CMC1), dated April 18, 2023
- D-5 West Virginia Income Maintenance Manual, Chapter 1, §1.2.2.B

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) SNAP policy requires periodic reviews of eligibility. (Exhibit D-5)
- 3) On March 13, 2023, the Respondent sent the Appellant forms to complete her SNAP eligibility review with instructions to return the forms by April 1, 2023 to the local office and to complete a telephone interview appointment scheduled on April 6, 2023. (Exhibit D-2)
- 4) On April 7, 2023, the Respondent issued a notice of a missed appointment which explained that the Appellant needed to reschedule her SNAP interview. (Exhibit D-3)
- 5) On April 18, 2023, the Respondent issued a notice of SNAP closure. (Exhibit D-4)
- 6) The Appellant does not contest the fact that she failed to complete her SNAP eligibility review.

APPLICABLE POLICY

CFR, §273.14 Recertification, in relevant part:

(a) **General.** No household may participate beyond the expiration of the certification period assigned in accordance with [§ 273.10\(f\)](#) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

(b) **Recertification process** —

(1) **Notice of expiration.**

(i) The State agency shall provide households certified for one month or certified in the second month of a two-month certification period a notice of expiration (NOE) at the time of certification. The State agency shall provide other households the NOE before the first day of the last month of the certification period, but not before the first day of the next-to-the-last month. Jointly processed PA and GA households need not receive a separate SNAP notice if they are recertified for SNAP benefits at the same time as their PA or GA redetermination.

(ii) Each State agency shall develop a NOE. The NOE must contain the following:

(A) The date the certification period expires;

- (B) The date by which a household must submit an application for recertification in order to receive uninterrupted benefits;
 - (C) The consequences of failure to apply for recertification in a timely manner;
 - (D) Notice of the right to receive an application form upon request and to have it accepted as long as it contains a signature and a legible name and address;
 - (E) Information on alternative submission methods available to households which cannot come into the certification office or do not have an authorized representative and how to exercise these options;
 - (F) The address of the office where the application must be filed;
 - (G) The household's right to request a fair hearing if the recertification is denied or if the household objects to the benefit issuance;
 - (H) Notice that any household consisting only of Supplemental Security Income (SSI) applicants or recipients is entitled to apply for SNAP recertification at an office of the Social Security Administration;
 - (I) Notice that failure to attend an interview may result in delay or denial of benefits; and
 - (J) Notice that the household is responsible for rescheduling a missed interview and for providing required verification information.
- (iii) To expedite the recertification process, State agencies are encouraged to send a recertification form, an interview appointment letter that allows for either in-person or telephone interviews, and a statement of needed verification required by [§ 273.2\(c\)\(5\)](#) with the NOE.
- (2) **Application.** The State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time of application for recertification. The provisions of [§ 273.2\(c\)\(7\)](#) regarding acceptable signatures on applications also apply to applications used at recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in [paragraph \(e\)\(3\)](#) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the casefile, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in [§ 273.2\(b\)\(2\)](#), and provide the household with a notice of required verification as specified in [§ 273.2\(c\)\(5\)](#).
- (3) **Interview.** As part of the recertification process, the State agency must conduct an interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The provisions of [§ 273.2\(e\)](#) also apply to interviews for recertification. The State agency may choose not to interview the household at interim recertifications within the 12-month period. The requirement for an interview once every 12 months may be waived in accordance with [§ 273.2\(e\)\(2\)](#).
- (ii) If a household receives PA/GA and will be recertified for SNAP benefits more than once in a 12-month period, the State agency may choose to conduct a face-to-face interview with that household only once during that period. At any other recertification during that year period, the State agency may interview the household by telephone, conduct a home visit, or recertify the household by mail.

(iii) State agencies shall schedule interviews so that the household has at least 10 days after the interview in which to provide verification before the certification period expires. If a household misses its scheduled interview, the State agency shall send the household a Notice of Missed Interview that may be combined with the notice of denial. If a household misses its scheduled interview and requests another interview, the State agency shall schedule a second interview.

WV IMM, Chapter 1, §1.2.2.B, *Redetermination Process*, explains in part that periodic reviews of total eligibility for recipients are mandated by federal law. These are redeterminations and take place at specific intervals, depending on the program or Medicaid coverage group. Failure by the client to complete a redetermination will result in termination of benefits. If the client completes the redetermination process by the specified program deadline(s) and remains eligible, benefits must be uninterrupted and received at approximately the same time.

WV IMM, Chapter 1, §1.4.18.E, *Completion*, instructs that 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. If the recipient is no longer eligible, the SNAP AG is closed.

DISCUSSION

Policy mandates periodic reviews for SNAP recipients be completed in order to determine continuing eligibility for the program benefit. These redeterminations take place at specific intervals, depending on the program. Failure by the client to complete a redetermination will result in termination of benefits.

On March 13, 2023, the Respondent sent a SNAP redetermination form to the Appellant with instructions that the form must be completed and returned by April 1, 2023, and instructions to complete a telephone interview scheduled for April 6, 2023. On April 7, 2023, a notice of missed appointment was sent to the Appellant explaining that she would need to schedule another appointment to complete her SNAP interview. Because the Appellant had not contacted the Respondent, a SNAP closure notice was sent to her on April 18, 2023. The Appellant appeals the Respondent's decision.

The Appellant did not contest the fact that she failed to complete her SNAP redetermination. She testified that several family members and her dog had passed away and she has had trouble concentrating. The Appellant has a nurse aide, [REDACTED] who assists her periodically. However, it was evident that the Appellant was confused.

While the reason for the Appellant's failure to complete her redetermination is understandable, policy requires a redetermination be completed for continued eligibility determination. Failure to complete an eligibility review results in closure of SNAP benefits. The Respondent's decision to close the Appellant's SNAP benefits is affirmed.

CONCLUSIONS OF LAW

- 1) Policy requires period reviews of SNAP eligibility for continuation of benefits.
- 2) The Appellant was required to complete her SNAP review form (CSLE) and return it to the local office by April 1, 2023, and to complete an interview scheduled for April 6, 2023.
- 3) Because the Appellant failed to return her SNAP review form and complete the required SNAP interview, the Respondent must close her SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's April 18, 2023 decision to close the Appellant's SNAP benefits.

ENTERED this 7th day of June 2023.

Lori Woodward, Certified Hearing Officer