



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

**Sherri A. Young, DO, MBA, FAAFP
Interim Cabinet Secretary**

**Christopher G. Nelson
Interim Inspector General**

November 8, 2023

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 23-BOR-3134

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: Anna Yoder, BFA, WV DHHR

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

██████████,

Appellant,

v.

ACTION NO.: 23-BOR-3134

**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 8, 2023, on an appeal filed October 2, 2023.

The matter before the Hearing Officer arises from the Respondent's September 18, 2023 decision to close the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits for failure to complete a periodic report form (PRC-2).

At the hearing, the Respondent appeared by Anna Yoder, Economic Services Worker. 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 21, 2023
- D-3 10 Day Notice of Not Returning the Interim Contact Form, dated September 6, 2023
- D-4 Notice of Closure (CMC2), dated September 18, 2023
- 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

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 21, 2023, the Respondent sent the Appellant PRC-2 to complete and return to the local office by September 1, 2023. (Exhibit D-2)
- 3) On September 6, 2023, the Respondent sent the Appellant a 10 Day Notice of Not Returning the Interim Contact Report Form. (Exhibit D-3)
- 4) On September 18, 2023, the Respondent sent the Appellant notification of closure of her SNAP benefits effective October 1, 2023. (Exhibit D-4)

APPLICABLE POLICY

Code of Federal Regulations – 7 CFR §273.14:

(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.

(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 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.

(c) Timely application for recertification.

(1) Households reporting required changes in circumstances that are certified for one month or certified in the second month of a two-month certification period shall have 15 days from the date the NOE is received to file a timely application for recertification.

(2) Other households reporting required changes in circumstances that submit applications by the 15th day of the last month of the certification period shall be considered to have made a timely application for recertification.

(3) For monthly reporting households, the filing deadline shall be either the 15th of the last month of the certification period or the normal date for filing a monthly report, at the State agency's option. The option chosen must be uniformly applied to the State agency's entire monthly reporting caseload.

(4) For households consisting only of SSI applicants or recipients who apply for SNAP recertification at SSA offices in accordance with [§ 273.2\(k\)\(1\)](#), an application shall be considered filed for normal processing purposes when the signed application is received by the SSA.

West Virginia Income Maintenance Manual §10.4.2.D:

All SNAP assistance groups (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.

If the PRC-2 is returned late in the 7th/13th month, the worker will NOT update the eligibility system with any information provided on the PRC-2. The Interim Contact Report (PRC-2) differs from a full scale redetermination as follows:

- All sections of the Interim Contact Report (PRC-2) must be completed, and the form signed by the AG.
- The PRC-2 cannot be processed if received in the 7th month (for cases certified twelve months) or the 13th month (for cases certified for 24 months). The client MUST reapply.
- The contact report may be completed by mail.
- No interview is conducted unless the client requests one.

Verification of reported changes must be submitted for the report to be considered complete. If a change is reported that requires verification, it must be requested using a DFA-6. Failure to provide requested verification results in AG closure or loss of a deduction after advance notice.

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. Changes reported on the PRC-2 are treated as changes reported during the certification period, not as changes reported during the completion of a redetermination. An application form cannot be used in substitution of an Interim Contact Report form (PRC-2) during the report month.

When a SNAP AG is closed for failure to complete the Interim Contact Report (PRC-2), a new application is not required when the form is returned by:

- The last day of the 12th month for households certified for 24 months
- The last day of the 6th month for households certified for 12 months

If the PRC-2 is not returned, a new application for SNAP must be completed.

DISCUSSION

Pursuant to federal regulations, no assistance group may participate in SNAP beyond the expiration of the certification period. Policy stipulates all SNAP assistance groups 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 Respondent mailed the PRC-2 to the Appellant on August 21, 2023. When the form had not been returned, the Respondent sent a 10 day notice of not returning the interim contact form on September 6, 2023. On September 18, 2023, the Appellant's SNAP benefits were terminated effective October 1, 2023.

The Appellant testified that she did return the PRC-2 the day after she received the PRC-2 form which was the last week of August. However, because she did not sign the form, the Appellant testified she received another form, which she mailed back to her local office. The Respondent's representative, Anna Yoder, testified that she checked their on-base system and did not find any case comments or notifications being sent to the Appellant regarding a missing signature on the PRC-2 in the Appellant's case records. Ms. Yoder testified that to date, the local office has not received a PRC-2 from the Appellant.

SNAP benefits cannot be continued without a periodic review of eligibility. The Appellant's SNAP benefits were terminated when the PRC-2 had not been completed and returned prior to the expiration of the certification period. Although the Appellant claimed that she did return the PRC-2 prior to the September 1, 2023 due date without a signature and received and returned another form, there was no evidence to corroborate the Appellant's contention.

Whereas the Respondent acted in accordance with policy and federal regulations, its decision to terminate the Appellant's SNAP benefits for failure to return the PRC-2 is affirmed.

CONCLUSIONS OF LAW

- 1) SNAP assistance groups must be periodically reviewed to determine continued eligibility.
- 2) The Appellant failed to return the Interim Contact Report (PRC-2) prior to the expiration of her certification period.
- 3) The Respondent acted in accordance with policy and federal regulations in its decision to terminate the Appellant's SNAP benefits.

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 8th day of November 2023

Lori Woodward, Certified State Hearing Officer

