



March 27, 2025

REMOVED

RE: REMOVED v. WVDoHS
ACTION NO.: 25-BOR-1334

Dear REMOVED

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 Human Services. 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,

Eric L. Phillips
State Hearing Officer
Member, State Board of Review

Encl: Recourse to Hearing Decision
Form IG-BR-29

cc: Victoria Petro, BFA

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW**

REMOVED

Appellant,

v.

Action Number: 25-BOR-1334

**WEST VIRGINIA DEPARTMENT OF
HUMAN SERVICES
BUREAU FOR FAMILY ASSISTANCE,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for **REMOVED**. This hearing was held in accordance with the provisions found in Chapter 700 of the Office of Inspector General Common Chapters Manual. This fair hearing was convened on March 26, 2025, on an appeal filed February 6, 2025.

This hearing was originally scheduled to convene on March 6, 2025, but was rescheduled on the request of the Appellant.

The matter before the Hearing Officer arises from the December 19, 2024 decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Victoria Petro, Economic Service Worker. The Appellant appeared pro se. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 CLSE redetermination form mailed November 14, 2024
- D-2 Printout of case comments dated December 4, 2024
- D-3 Notice of Scheduled Telephone Appointment dated December 5, 2024
- D-4 Printout of case comments dated December 11, 2024
- D-5 CSLN letter dated December 12, 2024
- D-6 Notice of Decision dated December 19, 2024
- D-7 Computer printout of returned case information

- D-8 West Virginia Income Maintenance Manual 1.2.11 A
- D-9 West Virginia Income Maintenance Manual 1.4.4.A
- D-10 West Virginia Income Maintenance Manual 1.4.18

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 Appellant was required to complete and return a CSLE form (Exhibit D-1) as a redetermination of SNAP eligibility by December 1, 2024.
- 3) The Appellant was required to complete a telephonic interview regarding his SNAP redetermination on December 4, 2024 (Exhibit D-1).
- 4) On November 19, 2024, the Appellant phoned the Respondent and was informed of the requirements concerning his SNAP redetermination. (Exhibit D-2)
- 5) The Appellant failed to return the CSLE and complete the scheduled telephonic interview.
- 6) On December 5, 2024, the Respondent issued a scheduling appointment to complete a telephonic SNAP redetermination on December 11, 2024. (Exhibit D-3)
- 7) The Appellant failed to complete the rescheduled telephonic interview. (Exhibit D-4)
- 8) On December 12, 2024, the Respondent issued notice to the Appellant informing him of his responsibility to complete a SNAP redetermination and that failure to complete a telephonic interview would result in termination of SNAP benefits. (Exhibit D-5)
- 9) On December 19, 2024, the Respondent issued a Notice of Decision (Exhibit D-6) informing the Appellant that his SNAP benefit would terminate because his certification period expired in December 2024. (Exhibit D-6)
- 10) On January 23, 2025, the Respondent remailed the required CSLE to the Appellant for completion. (Exhibit D-4)
- 11) The Appellant has not completed any of the redetermination requirements since December 11, 2023.

APPLICABLE POLICY

West Virginia Income Maintenance Manual § 1.2.2.B documents:

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. The redetermination process involves basically the same activities described in Application Process above. Eligibility system changes and client notification of any changes resulting from the redetermination conclude the process.

West Virginia Income Maintenance Manual § 1.2.2.C documents:

While a redetermination is a required periodic review of total eligibility, a review may be conducted at any time on a single or combination of questionable eligibility factor(s). The case maintenance process may involve a review or activities that update the Department's information about the client's circumstances between the application and first redetermination and between redeterminations. Changes in eligibility or the benefit amount may occur. If so, eligibility system action and client notification of any changes are required. Some special situations may require a more formal review process. This may be a special procedure to target an error problem.

West Virginia Income Maintenance Manual § 1.2.11.A documents:

Clients of some Medicaid coverage groups, WVCHIP, and other programs receive an instruction letter and redetermination form that is submitted by mail, along with appropriate verifications. The client must complete, sign, and mail or bring the form and other required information to his local DOHS office or the Customer Service Reporting Center as directed by the letter. The client may always request a face-to-face interview.

West Virginia Income Maintenance Manual § 1.4.4.A documents:

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.
- If the client misses both interviews or fails to keep or postpones the second interview at his request until after the 30th day following the date of application, the delay is the fault of the client. No benefits are issued until he completes an interview and supplies information to establish eligibility. The beginning date of eligibility is the date the information is supplied. Provisions in Section 1.4 for the beginning date of eligibility apply when the client completes all application requirements, including the interview, within 60 days of the date of application.
- Deny the application on the 30th day after the date of application when the client misses the scheduled interview and does not contact the office to reschedule it.

West Virginia Income Maintenance Manual § 1.4.18.A documents:

The following methods can be used for redetermination:

- System generated redetermination forms (CSLE or CSLR)
- WV PATH
- DFA-2 and DFA-RR-1
- DFA-SNAP-1

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

West Virginia Income Maintenance Manual § 1.4.18.C documents:

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.

West Virginia Income Maintenance Manual § 1.4.18.D documents:

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 AG closure if the redetermination is not completed. When the client does not submit a redetermination form, he is only notified of AG closure.

All SNAP AGs must receive a notice of expiration of the certification period. For cases certified for more than one month, the notice must be received in the month prior to the last month of certification. The local office has the following options in scheduling redetermination interviews:

- Schedule an interview by sending an appointment letter to each AG to be redetermined. The appointment may be scheduled anytime during the last month of certification. However, if the client's appointment is scheduled after the 15th, he may request and must be granted an appointment for the 15th or earlier. The client must be given 15 days from the date of the appointment letter before any penalties are applied for failure to keep the appointment.
- Redeterminations for pure SSI AGs may be initiated by SSA staff and completed by the Worker. The AG is notified of this service by form ES-RT-3. See Special Considerations below.

West Virginia Income Maintenance Manual § 1.4.18.E documents in part:

In the following redetermination situations, a new application is required. Benefits for the first month of certification and the beginning of the certification period are determined as they are for any other applicant.

- The verification is due within the last month of the certification period and is not returned by the end of the certification period or during the following month; or
- The verification is due after the last day of the certification period and is not returned by the last day of the month it was due, i.e., the month following the end of the certification period.
- The AG does not submit a redetermination before the end of the certification period.

If the CSLE/CSLR is not completed and returned by the end of the certification period, benefits are stopped. Notice of closure is required, but advance notice is not required. If the CSLE/CSLR is returned in the month after the end of the certification period, no DFA-2 or DFA-SNAP-1 is required for reapplication. The CSLE/CSLR is used as the application form and benefits are prorated from the date the application is received in that month. You must screen for expedited service for any household that applies after the end of the certification period and, if determined eligible for expedited service, the household must have an opportunity to participate within 7 days from the date the CSLE/CSLR was filed.

Code of Federal Regulations § 273.2.e documents:

(e) **Interviews.**

(1) Except for households certified for longer than 12 months, and except as provided in [paragraph \(e\)\(2\)](#) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter. State agencies may not require households to report for an in-office interview during their certification period, though they may request households to do so. For example, State agencies may not require households to report en masse for an in-office interview during their certification periods simply to review their case files, or for any other reason. State agencies may not require an in person interview solely to take a photo. Interviews may be conducted at the SNAP office or other mutually acceptable location, including a household's residence. If the interview will be conducted at the household's residence, it must be scheduled in advance with the household. If a household in which all adult members are elderly or disabled is certified for 24 months in accordance with [§ 273.10\(f\)\(1\)](#), or a household residing on a reservation is required to submit monthly reports and is certified for 24 months in accordance with [§ 273.10\(f\)\(2\)](#), a face-to-face interview is not required during the certification period. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative. The applicant may bring any person he or she chooses to the interview. The interviewer must not simply review the information that appears on the application, but must explore and resolve with the household unclear and incomplete information. The interviewer must advise households of their rights and responsibilities during the interview, including the appropriate application processing standard and the households' responsibility to report changes. The interviewer must advise households that are also applying for or receiving PA benefits that time limits and other requirements that apply to the receipt of PA benefits do not apply to the receipt of SNAP benefits, and that households which cease receiving PA benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits. The interviewer must conduct the interview as an official and confidential discussion of household circumstances. The State agency must protect the applicant's right to privacy during the interview. Facilities must be adequate to preserve the privacy and confidentiality of the interview.

(2) The State agency may use a telephone interview instead of the face-to-face interview required in [paragraph \(e\)\(1\)](#) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency. The hardship conditions must include, but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household, and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-

to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

(i) State agencies must inform each applicant of the opportunity for a face-to-face interview at the time of application and recertification and grant a face-to-face interview to any household that requests one at any time, even if the State agency has elected the option to routinely provide telephone interviews.

(ii) Like households participating in face-to-face interviews, households interviewed by any means other than the face-to-face interview are not exempt from verification requirements. However, the State agency may use special procedures to permit the household to provide verification and thus obtain its benefits in a timely manner, such as substituting a collateral contact in cases where documentary verification would normally be provided.

(iii) The use of non-face-to-face interviews may not affect the length of a household's certification period.

(iv) State agencies must provide Limited English Proficient (LEP) households with bilingual personnel during the interview as required under [§ 272.4\(b\) of this chapter](#).

(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.

Code of Federal Regulations § 273.2.h.2 documents:

(2) Delays caused by the household.

7 CFR 273.2(h)(2)

(i) If by the 30th day the State agency cannot take any further action on the application due to the fault of the household, the household shall lose its entitlement to benefits for

the month of application. However, the State agency shall give the household an additional 30 days to take the required action, except that, if verification is lacking, the State agency has the option of holding the application pending for only 30 days following the date of the initial request for the particular verification that was missing.

(A) The State agency has the option of sending the household either a notice of denial or a notice of pending status on the 30th day. The option chosen may vary from one project area to another, provided the same procedures apply to all households within a project area. However, if a notice of denial is sent and the household takes the required action within 60 days following the date the application was filed, the State agency shall reopen the case without requiring a new application. No further action by the State agency is required after the notice of denial or pending status is sent if the household failed to take the required action within 60 days following the date the application was filed, or if the State agency chooses the option of holding the application pending for only 30 days following the date of the initial request for the particular verification that was missing, and the household fails to provide the necessary verification by this 30th day.

(B) State agencies may include in the notice a request that the household report all changes in circumstances since it filed its application. The information that must be contained on the notice of denial or pending status is explained in [§ 273.10\(g\)\(1\) \(ii\)](#) and [\(iii\)](#).

(ii) If the household was at fault for the delay in the first 30-day period, but is found to be eligible during the second 30-day period, the State agency shall provide benefits only from the month following the month of application. The household is not entitled to benefits for the month of application when the delay was the fault of the household.

DISCUSSION

On December 19, 2024, the Respondent terminated the Appellant's SNAP benefits due to his failure to complete an eligibility redetermination. The Appellant contests the Respondent's decision to terminate his SNAP benefits citing that he completed and returned the required information to the Respondent. The Respondent must prove by a preponderance of the evidence that the Appellant failed to complete the necessary requirements associated with his recertification for SNAP benefits.

The Appellant's certification for SNAP benefits expired in December 2024. On November 14, 2024, the Appellant was mailed a redetermination form and was advised of his requirements to return the form by December 1, 2024 and complete a telephonic interview on December 4, 2024. The Appellant failed to comply with the Respondent's requests and the redetermination interview was rescheduled for December 11, 2024. Because the Appellant failed to comply with the additional request, the Respondent required the Appellant to reschedule the SNAP redetermination by December 31, 2024, the expiration date of his certification of benefits. The Appellant's failure to complete the necessary requirements associated with the redetermination for SNAP benefits resulted in the termination of his SNAP benefits effective December 31, 2024. After the

termination of benefits, the Appellant inquired with the Respondent concerning the termination and all the required paperwork was mailed to Appellant for resubmission. To date, the Appellant has failed to complete the necessary requirements to recertify his eligibility for SNAP benefits and is required to reapply for benefits.

The Appellant purported his experiences with the Respondent in terminating his benefits yearly at the time of his redeterminations, indicating his go back to the year 2000. The Appellant contends that he submitted his paperwork and resubmitted his redetermination in January 2025. The Appellant purported that he has not received SNAP benefits since December 2024, which creates an additional financial burden. Rebuttal testimony from the Respondent indicated that the Appellant's benefits were reinstated at the request for hearing, pending a decision from the State Hearing Officer.

Federal regulations require the recertification of SNAP benefits at specific intervals. Households must complete interview for benefits with an eligibility worker at initial certification and at least once every 12 months thereafter. Failure to complete the necessary requirements associated with SNAP redeterminations results in the termination of benefits.

The Appellant was required to complete a redetermination of benefits by December 31, 2024. While the Appellant maintains he provided the necessary documentation, there was no evidence presented to support his claim or support that he completed the necessary telephonic interview prior to the expiration of his period of consideration. Because the Appellant failed to complete the necessary requirements associated with the SNAP redetermination, the Respondent's decision to terminate SNAP benefits is affirmed.

CONCLUSIONS OF LAW

- 1) Federal regulations provide that assistance groups complete an interview with an eligibility worker every twelve months after the initial approval of SNAP benefits.
- 2) The Appellant was required to return a redetermination form and complete a telephonic interview prior to the expiration of his period of consideration of December 31, 2024.
- 3) The Appellant failed to complete the necessary requirements associated with his redetermination of 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 ____ day of March 2025.

Eric L. Phillips
State Hearing Officer