



April 17, 2025

[REDACTED]

RE: [REDACTED] v. WVDOHS
ACTION NO.: 25-BOR-1592

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 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,

Todd Thornton
State Hearing Officer
Member, State Board of Review

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

cc: Trevor Wayne, Department Representative

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

████████████████████,

Appellant,

v.

Action Number: 25-BOR-1592

**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 ██████████. 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 April 3, 2025, upon a timely appeal filed on March 10, 2025.

The matter before the Hearing Officer arises from the February 14, 2025 decision by the Respondent to terminate the Appellant's SNAP benefits due to an incomplete eligibility redetermination.

At the hearing, the Respondent appeared by Trevor Wayne. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

EXHIBITS

Department's Exhibits:

D-1	Case comments from the Respondent's data system
	Notice of decision, dated February 14, 2025
	Notice dated February 12, 2025
	Notice dated January 15, 2025
	Notice dated March 13, 2025
	Notice dated March 21, 2025

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. (Exhibit D-1)
- 2) The Appellant was required to complete a review of SNAP eligibility.
- 3) The Respondent mailed a notice dated January 15, 2025, to the Appellant setting a February 11, 2025 appointment for the telephone interview portion of her required SNAP review. (Exhibit D-1)
- 4) The notice dated January 15, 2025 advised "If we do not interview you...we will be required to close your case and you will not receive SNAP benefits after February 2025..." (Exhibit D-1)
- 5) A Respondent worker noted two unsuccessful attempts to reach the Appellant by phone on February 11, 2025. (Exhibit D-1)
- 6) The Respondent mailed a notice dated February 12, 2025, advising the Appellant "you had a scheduled appointment to complete a Supplemental Nutrition Assistance Program (SNAP) application and...failed to keep the appointment. It is now your responsibility to reschedule the appointment...." (Exhibit D-1)
- 7) A Respondent worker noted a voicemail was received from the Appellant on February 12, 2025, as well as another unsuccessful attempt to return the call to the Appellant. (Exhibit D-1)
- 8) The Respondent mailed a notice dated February 14, 2025, advising the Appellant that her SNAP would be closed at the end of February 2025, because she "did not complete an Eligibility Review...." (Exhibit D-1)
- 9) The Appellant did not complete a review of SNAP eligibility subsequent to the February 14, 2025 notice.
- 10) The Respondent closed the Appellant's SNAP benefits at the end of February 2025.

- 11) The Appellant requested a fair hearing on March 10, 2025, and the Respondent continued the Appellant's SNAP benefits in connection with the hearing request.

APPLICABLE POLICY

West Virginia Income Maintenance Manual § 1.2.2.B describes the redetermination process as follows:

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.

Code of Federal Regulations 7 CFR § 273.14(a) provides general information regarding SNAP recertification as follows:

- (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.

Code of Federal Regulations 7 CFR § 273.14(b)(3) discusses the SNAP recertification interview, and provides in part:

- (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).

DISCUSSION

The Appellant is contesting the Respondent's termination of SNAP benefits for failure to complete an eligibility redetermination. The Respondent must show by preponderance of the evidence that it correctly terminated the Appellant's SNAP benefits on this basis.

The Appellant is a SNAP recipient that was notified of a required review, or redetermination of her SNAP eligibility. SNAP redeterminations are required at the end of a certification period to determine if the household may continue to receive SNAP benefits in a new certification period. The failure to complete a SNAP review results in case closure.

The Respondent was required to mail an appointment letter, which it did on or about January 15, 2025. This appointment letter set the interview for February 11, 2025, included a form to be completed and returned by the Appellant, and explained that failure to return the completed form or complete the accompanying interview would result in case closure. The Appellant returned the form but was not available for the interview on February 11, 2025. The Respondent worker noted two attempts to call the Appellant on that date. When the interview was not completed that date, the Respondent worker mailed a February 14, 2025 letter to the Appellant explaining that after the first missed appointment it was "...now your responsibility to reschedule the appointment..." Comments from the Respondent's data system noted an additional attempt to reach the Appellant on February 12, 2025. The comments also noted the Appellant attempted to call the Respondent worker and left voice messages, but did not complete the review process.

The Appellant testified that she called the Respondent and was told the "lady wasn't in," and called at least one additional time. The Appellant could not give clear testimony on when she called, or with whom she spoke. The Respondent noted three attempts to contact the Appellant on or about February 11, 2025, and notified the Appellant she was responsible for rescheduling and completing the interview to continue to receive SNAP after February 2025.

The Appellant did not dispute the Respondent's claim that the SNAP interview portion of the eligibility review process was incomplete. The Respondent sent proper notification of case closure when the Appellant did not complete her review. The Appellant has not completed the review subsequent to the negative action notice sent on February 14, 2025. The Board of Review is unable to create policy or make policy exceptions. It is a clear requirement of SNAP policy and regulations for recipients to complete eligibility redeterminations, which must include an interview component. The Appellant failed to do so, and the Respondent's decision to terminate the Appellant's SNAP benefits on this basis is affirmed.

CONCLUSIONS OF LAW

- 1) Because the Appellant did not complete the interview portion of her SNAP eligibility redetermination, her redetermination as a whole was incomplete.
- 2) Because the Appellant did not complete her SNAP eligibility redetermination, the Respondent must terminate the Appellant's SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's termination of the Appellant's SNAP benefits based on an incomplete eligibility review.

ENTERED this _____ day of April 2025.

Todd Thornton
State Hearing Officer