



June 12, 2025

[REDACTED]

RE: [REDACTED] v. WVDoHS
ACTION NO.: 25-BOR-2108

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,

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

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

cc: Kristyne Hoskins, BFA

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

[REDACTED],

Appellant,

v.

Action Number: 25-BOR-2108

**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 [REDACTED]. 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 June 12, 2025, on an appeal filed May 23, 2025.

The matter before the Hearing Officer arises from the May 19, 2025 decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Kristyne Hoskins, Economic Service Worker Senior. The Appellant was represented by [REDACTED], cohabitor. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 PRC2 redetermination form dated April 21, 2025
- D-2 Ten Day Notice of Not Returning Interim Contact Form dated May 5, 2025
- D-3 Notice of Decision dated May 19, 2025
- D-4 Periodic Reporting Status
- D-5 Mail Log
- D-6 Path Application Search
- D-7 West Virginia Income Maintenance Manual §1.4.1.D
- D-8 West Virginia Income Maintenance Manual §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) The Appellant was a recipient of SNAP benefits.
- 2) The Appellant was required to complete a recertification of SNAP benefits.
- 3) On April 21, 2025, the Respondent mailed a PRC2 (Exhibit D-1) for the Appellant to complete and return by May 1, 2025 for her recertification of SNAP benefits.
- 4) The Appellant failed to complete the recertification by the established deadline date.
- 5) On May 5, 2025, the Respondent issued notice (Exhibit D-2) to the Appellant advising her that she must complete the recertification midway through her SNAP eligibility period.
- 6) On May 19, 2025, the Respondent issued notice (Exhibit D-3) advising the Appellant that her SNAP benefits would terminate effective May 31, 2025 because she failed to complete a SNAP recertification.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §10.4.2.D documents:

All SNAP 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, except for changes reported in income, are treated as changes reported during the certification period, not as changes reported during the completion of a redetermination. When a change in income is reported on the PRC-2, verification must be requested and received for the PRC-2 to be considered complete, regardless of whether that change would result in an increase, decrease, or closure of the benefit. An application form cannot be used in substitution of an Interim Contact Report form (PRC-2) during the report month.

West Virginia Income Maintenance Manual §1.4.1.D documents:

When a SNAP AG is closed for failure to submit a complete Interim Contact Report (PRC-2), a new application is not needed if the PRC-2 is returned by the last day of the month in which it is due. (This will be the 12th month for cases certified for 24 months and the 6th month for cases certified for 12 months).

If the Interim Contact Report (PRC-2) is received in the 7th month or later (for cases certified for 12 months) or 13th month or later (for cases certified for 24 months), the PRC-2 CANNOT be processed by the agency, the AG must complete a new application to receive SNAP. In this situation, the worker will NOT update the eligibility system with any information provided on the PRC-2.

A complete Interim Contact Report is an Interim Contact Report (PRC-2) that has:

- each section answered/addressed by the AG; and
- an acceptable signature by the AG; and
- has all needed verifications of reported changes including but not limited to earned income, unearned income, self-employment income; and
- Has verification of all reported changes in expenses, although failure to provide verification of expenses will not result in loss of benefits, this will only result in loss of a deduction.

The PRC-2 can be processed if received by the last day of the 6th/12th month, but if no verification is included the AG MUST be given 10 days to return requested verification.

Proration in the 7th/13th month:

- If the AG reports changes that are needed to determine eligibility and verification is requested on the DFA-6, prorate the benefit from the date the information is returned to the agency. If verification is returned after the last day of the 7th/13th month, SNAP remains closed, and the AG must reapply
- If the AG reports only expense changes, the benefit will not be prorated. A full month's benefit will be received for the 7th/13th month. The date of the benefit is the date the PRC-2 was initially received by the agency, which will be in the 6th/12th month. When verification of the expense is received prior to confirmation in the eligibility system, the deduction will be allowed. If the expense is NOT verified, the PRC-2 is processed without the deduction. If verification of an expense is received after confirmation in the eligibility system, the verified expense is considered a reported change. Increases/decreases to SNAP based on a reported change are effective the month following the change report.

Code of Federal Regulations 273.10 documents in part:

(f) ***Certification periods.*** The State agency must certify each eligible household for a definite period of time. State agencies must assign the longest certification period possible based on the predictability of the household's circumstances. The first month of the certification period will be the first month for which the household is eligible to participate. The certification period cannot exceed 12 months except to accommodate a household's transitional benefit period and as specified in [paragraphs \(f\)\(1\)](#) and [\(f\)\(2\)](#) of this section.

(1) ***Households in which all adult members are elderly or disabled.*** The State agency may certify for up to 24 months households in which all adult members are elderly or disabled. The State agency must have at least one contact with each household every 12 months. The State agency may use any method it chooses for this contact.

(2) ***Households residing on a reservation.*** The State agency must certify for 24 months those households residing on a reservation which it requires to submit monthly reports in accordance with [§ 273.21](#), unless the State agency obtains a waiver from FNS. In the waiver request the State agency must include justification for a shorter period and input from the affected Indian tribal organization(s). When households move off the reservation, the State agency must either continue their certification periods until they would normally expire or shorten the certification periods in accordance with [paragraph \(f\)\(4\)](#) of this section.

(3) ***Certification period length.*** The State agency should assign each household the longest certification period possible, consistent with its circumstances.

(i) Households should be assigned certification periods of at least 6 months, unless the household's circumstances are unstable or the household contains an ABAWD.

(ii) Households with unstable circumstances, such as households with zero net income, and households with an ABAWD member should be assigned certification periods consistent with their circumstances, but generally no less than 3 months.

(iii) Households may be assigned 1- or 2-month certification periods when it appears likely that the household will become ineligible for SNAP benefits in the near future.

(4) ***Shortening certification periods.*** The State agency may not end a household's certification period earlier than its assigned termination date, unless the State agency receives information that the household has become ineligible, the household has not complied with the requirements of [§ 273.12\(c\)\(3\)](#), or the State agency must shorten the household's certification period to comply with the requirements of [§ 273.12\(a\)\(5\)](#). Loss of public assistance or a change in employment status is not sufficient in and of itself to meet the criteria necessary for shortening the certification period. The State agency must close the household's case or adjust the household's benefit amount in accordance with [§ 273.12\(c\)\(1\)](#) or [\(c\)\(2\)](#) in response to reported changes. The State agency must issue a notice of adverse action as provided in [§ 273.13](#) to shorten a participating household's certification period in connection with imposing the simplified reporting requirement. The State agency may not use the Notice of Expiration to shorten a certification period, except that the State agency must use the Notice of Expiration to shorten a household's certification period when the household is receiving transitional benefits under Subpart H, has not reached the maximum allowable number of months in its certification period during the transitional period, and the State agency has chosen to recertify the household in accordance with [§ 273.28\(b\)](#). If the transition period results in a shortening of the household's certification period, the State agency shall not issue a household a notice of adverse action but shall specify in the transitional notice required under [§ 273.29](#) that the household must be recertified when it reaches the end of the transitional benefit period or if it returns to TANF during the transitional period.

(5) ***Lengthening certification periods.*** State agencies may lengthen a household's current certification period once it is established, as long as the total months of the certification period do not exceed 24 months for households in which all adult members are elderly or disabled, or 12 months for other households. If the State agency extends a household's certification period, it must advise the household of the new certification ending date with a notice containing the same information as the notice of eligibility set forth in [paragraph \(g\)\(1\)\(i\)\(A\)](#) of this section.

(g) ***Certification notices to households —***

(1) ***Initial applications.*** State agencies shall provide applicants with one of the following written notices as soon as a determination is made, but no later than 30 days after the date of the initial application:

(i) ***Notice of eligibility.***

(A) If an application is approved, the State agency shall provide the household with written notice of the amount of the allotment and the beginning and ending dates of the certification period. The household shall also be advised of variations in the benefit level based on changes anticipated at the time of certification. If the initial allotment contains benefits for both the month of application and the current month's benefits, the notice shall explain that the initial allotment includes more than 1 month's benefits and shall indicate the monthly allotment amount for the remainder of the certification period. The notice shall also advise the household of its right to a fair hearing, the telephone number of the SNAP office (a toll-free number or a number where collect calls will be accepted for households outside the local calling area), and, if possible, the name of the person to contact for additional information. If there is an individual or organization available that provides free legal representation, the notice shall also advise the household of the availability of the services. The State agency may also include in the notice a reminder of the household's obligation to report changes in circumstance and of the need to reapply for continued participation at the end of the certification period. Other information which would be useful to the household may also be included.

(B) In cases where a household's application is approved on an expedited basis without verification, as provided in [§ 273.2\(i\)](#), the notice shall explain that the household must provide the verification which was waived. If the State agency has elected to assign a longer certification period to some households certified on an expedited basis, the notice shall also explain the special conditions of the longer certification period, as specified in [§ 273.2\(i\)](#), and the consequences of failure to provide the postponed verification.

(C) For households provided a notice of expiration at the time of certification, as required in [§ 273.14\(b\)](#), the notice of eligibility may be combined with the notice of expiration or separate notices may be sent.

(ii) ***Notice of denial.*** If the application is denied, the State agency shall provide the household with written notice explaining the basis for the denial, the household's right to request a fair hearing, the telephone number of the SNAP office (a toll-free number or a number where collect calls will be accepted for households outside the local calling area), and, if possible, the name of the person to contact for additional information. If there is an individual or organization available that provides free legal representation, the notice shall also advise the household of the availability of the service. A household which is potentially categorically eligible but whose SNAP application is denied shall be asked to inform the State agency if it is approved to receive PA and/or SSI benefits or benefits from a State or local GA program. In cases where the State agency has elected to use a notice of denial when a delay was caused by the household's failure to take action to complete the application process, as provided in [§ 273.2\(h\)\(2\)](#), the notice of denial shall also explain: The action that the household must take to reactivate the application; that

the case will be reopened without a new application if action is taken within 30 days of the date the notice of denial was mailed; and that the household must submit a new application if, at the end of the 30-day period, the household has not taken the needed action and wishes to participate in the program. If the State agency chooses the option specified in [§ 273.2\(h\)\(2\)](#) of reopening the application in cases where verification is lacking only if household provides verification within 30 days of the date of the initial request for verification, the State agency shall include on the notice of denial the date by which the household must provide the missing verification.

(iii) ***Notice of pending status.*** If the application is to be held pending because some action by the State is necessary to complete the application process, as specified in [§ 273.2\(h\)\(2\)](#), or the State agency has elected to pend all cases regardless of the reason for delay, the State agency shall provide the household with a written notice which informs the household that its application has not been completed and is being processed. If some action by the household is also needed to complete the application process, the notice shall also explain what action the household must take and that its application will be denied if the household fails to take the required action within 60 days of the date the application was filed. If the State agency chooses the option specified in [§ 273.2\(h\) \(2\)](#) and [\(3\)](#) of holding the application pending in cases where verification is lacking only until 30 days following the date verification was initially requested, the State agency shall include on the notice of pending status the date by which the household must provide the missing verification.

(2) ***Applications for recertification.*** The State agency shall provide households that have filed an application by the 15th of the last month of their certification period with either a notice of eligibility or a notice of denial by the end of the current certification period if the household has complied with all recertification requirements. The State agency shall provide households that have received a notice of expiration at the time of certification, and have timely reapplied, with either a notice of eligibility or a notice of denial not later than 30 days after the date of the household's initial opportunity to obtain its last allotment.

DISCUSSION

On May 19, 2025, the Respondent terminated the Appellant SNAP benefits, effective May 31, 2025, when she failed to submit an Interim Contact Report (PRC2). The Appellant requests this appeal as a protest to the SNAP termination. The Respondent must prove by a preponderance of the evidence that it correctly terminated the Appellant's SNAP benefits for failure to adhere to SNAP recertification requirements.

The Appellant was required to complete a PRC2 form (Exhibit D-1) through the midway point of her SNAP certification period by May 1, 2025. The Appellant's failure to complete the PRC2 form resulted in the termination of her SNAP benefits effective May 31, 2025. (Exhibit D-3)

The Appellant's representative testified that the lack of SNAP benefits creates a financial burden on the household. The Appellant's representative contended that recertification documentation was submitted prior to the end of May 2025.

Policy requires that all SNAP assistance groups certified for 12 or 24 months must have a report completed in the mid-month of eligibility. SNAP benefits must not continue into the 7th or 13th month of certification if a complete PRC2 is not submitted. If the PRC2 is returned late in the 7th or 13th month, the assistance group must reapply for SNAP.

Evidence demonstrates that the Appellant was required to complete a PRC2 prior to end the 6th month of her certification period or May 31, 2025 and she failed to meet this requirement. While the Appellant's representative maintained that the required documentation was submitted prior to the established deadline date, there was no evidence to support this claim.

Because the Appellant failed to meet the recertification requirements, the Respondent's decision to terminate SNAP benefits is affirmed.

CONCLUSIONS OF LAW

- 1) SNAP assistance groups certified for 12 or 24 months must have a PRC2 completed in the mid-month of eligibility.
- 2) The Appellant was required to complete a PRC2 form prior to the completion of 6th month of her certification period or May 31, 2025.
- 3) The Appellant failed to complete the PRC2 requirements prior to the established deadline date.
- 4) The Appellant must reapply for SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to uphold the decision of the Respondent to terminate the Appellant's SNAP benefits effective May 31, 2025.

ENTERED this _____ day of June 2025.

Eric L. Phillips
State Hearing Officer