



July 2, 2025



RE: [REDACTED] v. WVDOHS  
ACTION NO.: 25-BOR-2098

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: Cori Dawson, Department Representative

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

██████████,

**Appellant,**

**v.**

**Action Number: 25-BOR-2098**

**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 June 17, 2025, upon a timely appeal filed on May 21, 2025.

The matter before the Hearing Officer arises from the May 19, 2025 decision by the Respondent to terminate the Appellant's SNAP benefits due to Able-Bodied Adult Without Dependents (ABAWD) policy.

At the hearing, the Respondent appeared by Cori Dawson and April Wilson. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**EXHIBITS**

**Department's Exhibits:**

- |     |  |
|-----|--|
| D-1 | Note prepared by a Respondent employee             |
| D-2 | Excerpt of case comments from the Appellant's case |
| D-3 | Scheduling order, dated June 3, 2025               |

- D-4            Hearing request form, dated May 21, 2025  
                 Notice of decision, dated May 19, 2025  
                 IG-BR-29 form (incomplete, undated)
- D-5            West Virginia Income Maintenance Manual (excerpt)

**Appellant's Exhibits:**

- A-1            Motion from the Appellant, dated June 9, 2025  
                 Email, dated May 30, 2025 (with attachments)  
                 Email, dated June 9, 2025  
                 Fax cover page, dated June 9, 2025  
                 Motion from the Appellant (duplicate)  
                 Email, dated May 30, 2025 (with attachments) (duplicate)

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 is an Able-Bodied Adult Without Dependents (ABAWD).
- 3)    The Appellant met the ABAWD work requirements.
- 4)    The Respondent terminated the Appellant's SNAP for failure to meet the ABAWD work requirements.
- 5)    The Respondent issued a notice (Exhibit D-4), dated May 19, 2025, advising the Appellant of SNAP closure effective at the end of May 2025, because he was an ABAWD who had "...received SNAP for the first 3 month period without meeting the work requirement or being exempt."
- 6)    The Appellant filed a written request for hearing, dated May 21, 2025. (Exhibit D-4)
- 7)    The Appellant did not refuse continued SNAP benefits on this form. (Exhibit D-4)
- 8)    The Respondent did not grant continued SNAP benefits to the Appellant.
- 9)    The Respondent has not reopened the Appellant's SNAP benefits.
- 10)   The Appellant was out of certification for SNAP benefits.

- 11) The Respondent did not issue a SNAP review letter to the Appellant or other notification to advise the Appellant he was out of certification for SNAP.

### **APPLICABLE POLICY**

**West Virginia Income Maintenance Manual § 9.3.1.D.3 describes continued benefits as follows:**

When the client requests a Pre-Hearing Conference or a Fair Hearing before the date of proposed closure or reduction, benefits are restored or reinstated immediately, whether or not the client requests reinstatement...

**Code of Federal Regulations 7 CFR § 273.15(k)(1) provides, in part :**

(k) Continuation of benefits.

(1) If a household requests a fair hearing within the period provided by the notice of adverse action, as set forth in § 273.13, and its certification period has not expired, the household's participation in the program shall be continued on the basis authorized immediately prior to the notice of adverse action, unless the household specifically waives continuation of benefits. The form for requesting a fair hearing shall contain space for the household to indicate whether or not continued benefits are requested. If the form does not positively indicate that the household has waived continuation of benefits, the State agency shall assume that continuation of benefits is desired and the benefits shall be issued accordingly.

**Code of Federal Regulations 7 CFR § 273.14(a) provides, in 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...

**Code of Federal Regulations 7 CFR § 273.14(b)(2) provides, in part :**

(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...

## **DISCUSSION**

The Appellant requested a hearing to appeal the Respondent's termination of his SNAP benefits due to failure to meet the ABAWD work requirements. The Respondent must show, by a preponderance of the evidence, that it correctly terminated the Appellant's SNAP benefits on this basis.

The Appellant was a SNAP recipient who was required to meet work requirements in conjunction with ABAWD policy. The Appellant met these requirements – neither party disputed this at the hearing. The Respondent erred in sending the Appellant a letter advising him he had not met these requirements. The Appellant requested a hearing prior to the effective date of the Respondent's negative action letter. The Appellant did not mark the form to indicate he refused continued SNAP benefits. The Respondent did not grant continued benefits and terminated the Appellant's SNAP at the end of May 2025.

The Respondent did not issue continued SNAP benefits or act to correct their admitted error in SNAP termination because the Appellant was out of certification for SNAP. The Respondent provided case comments indicating "While recertifying the case, worker explained that a new caf and rr needed to be signed [*sic*]..." The Appellant did not dispute the Respondent's assertion that he was out of certification for SNAP. It is more likely than not that the Appellant was out of certification for SNAP.

An individual out of certification for SNAP must recertify, and this requires a signature. The parties agreed that the Appellant has not signed a recertification document for SNAP. An individual out of certification for SNAP is not entitled to continued SNAP benefits through the hearing process.

The initial issue at hearing was termination of SNAP benefits due to ABAWD policy. The parties agreed that the Appellant met the ABAWD requirements. The first issue became entangled in the second issue because of the Respondent's mishandling of the Appellant's case. To rectify the Respondent's error, Federal Regulations require the Appellant to sign a recertification document. The Respondent's decision to terminate SNAP benefits due to ABAWD policy is reversed. However, the Respondent may not approve SNAP benefits to the Appellant outside his certification period.

## **CONCLUSIONS OF LAW**

- 1) Because the Appellant met ABAWD work requirements, the Respondent must not terminate SNAP benefits on that basis.
- 2) By a preponderance of evidence standard, the Appellant was out of certification for SNAP.

- 3) Because the Appellant was out of certification for SNAP, reopening the Appellant's SNAP benefits may not be accomplished without a complete redetermination, including a signed redetermination form.
- 4) Because the Appellant has not signed the SNAP redetermination form, the Respondent is unable to correct its error in terminating the Appellant's SNAP due to ABAWD policy.

### **DECISION**

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's termination of the Appellant's SNAP benefits due to ABAWD policy.

**ENTERED this \_\_\_\_\_ day of July 2025.**

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**Todd Thornton  
State Hearing Officer**