



August 29, 2025



RE: [REDACTED] v. WVDOHS
ACTION NO.: 25-BOR-2527

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 ensure 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: Jessica Shah, Department Representative

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

██████████,

Appellant,

v.

Action Number: 25-BOR-2527

**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 August 19, 2025, upon a timely appeal filed on August 28, 2025.

The matter before the Hearing Officer arises from the May 19, 2025 decision by the Respondent to terminate the Appellant's SNAP benefits.

At the hearing, the Respondent appeared by Jessica Shah, Economic Service Worker. The Appellant was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

EXHIBITS

Department's Exhibit:

D-1	Case summary
D-2	Scheduling order
D-3	Notice of decision dated May 19, 2025
D-4	Case comments

D-5 Notice dated April 14, 2025

D-6 West Virginia Income Maintenance Manual (excerpt)

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 Respondent had an incorrect address on file for the Appellant.
- 3) The Respondent mailed a letter to an incorrect address for the Appellant. (Exhibit D-5)
- 4) The Appellant did not receive this letter (Exhibit D-5) because the Respondent mailed it to the incorrect address for the Appellant.
- 5) This letter (Exhibit D-5) was intended to advise the Appellant that she was required to complete a review of her SNAP eligibility.
- 6) The Appellant did not complete a review of her SNAP eligibility.
- 7) The Respondent mailed a closure letter to an incorrect address for the Appellant. (Exhibit D-3)
- 8) This closure letter (Exhibit D-3) explained the reason for SNAP termination as "[Appellant] did not complete an eligibility review."
- 9) The Respondent discovered its address error on June 10, 2025, (Exhibit D-4) and left the Appellant's SNAP case closed based on an improperly noticed review.
- 10) The Respondent made case comments regarding a completed review on the Appellant's case on May 24, 2024, (Exhibit D-4) and made no other comments until the discovery of the incorrect address on June 10, 2025.

APPLICABLE POLICY

West Virginia Income Maintenance Manual § 9.1 provides, in part:

The applicant must be notified in writing of the action taken on his application, and the client must be notified in writing, and usually in advance, of any action resulting in a change in benefits. Adverse actions, other than those specified in Section 9.3, require an advance notice period before any action is effective...

West Virginia Income Maintenance Manual § 9.2.4.A.1 explains SNAP approval notice requirements as follows (emphasis added):

The notice must include:

- The month of approval
- The amount of the benefit, pro-rated and ongoing
- **The length of the certification period**
- The reason for the approval
- The Manual section on which the decision is based, and any other action taken
- The amount of the benefits noted with an explanation if retroactive benefits are being issued

West Virginia Income Maintenance Manual § 9.3.1.A notes that advance notice must be given for SNAP assistance group (AG) closures and shortened certification periods.

West Virginia Income Maintenance Manual § 1.2.7 provides, in part (emphasis added):

The client must be notified in writing of the final decision on his application and the reason for it. Notification must be provided for each Program for which the client applied, but notification for more than one program may be included on one form letter. Under some circumstances, the eligibility system automatically generates notification to the client.

During the intake interview or during some other client contact prior to written client notification, the Worker may know whether or not the client is eligible and, if so, the amount of the benefit. The Worker may tell the client the status of his application and/or benefit level, if he so chooses. However, even if the client has been told his status and/or benefit level, he must still **receive** the information in writing...

NOTE: **There is specific, court-ordered client notification policy that must be followed.** There are also specific forms that must be used and detailed procedures to follow...

Code of Federal Regulations 7 CFR § 273.13(a) provides:

Use of notice. Prior to any action to reduce or terminate a household's benefits within the certification period, the State agency shall, except as provided in paragraph (b) of this section, provide the household timely and adequate advance notice before the adverse action is taken.

Code of Federal Regulations 7 CFR § 273.2(f)(8)(i)(D) provides (emphasis added):

Other information which has changed may be verified at recertification. Unchanged information shall not be verified **unless the information is incomplete, inaccurate, inconsistent or outdated.** Verification under this paragraph shall be subject to the same verification procedures as apply during initial verification.

DISCUSSION

The Appellant is contesting the Respondent's termination of her SNAP benefits due to an incomplete review of eligibility. The Respondent must show by preponderance of the evidence that it correctly closed the Appellant's SNAP benefits on this basis.

The Appellant was a recipient of SNAP benefits. The Appellant completed a review of eligibility on May 24, 2024. The Respondent maintains comments, or case narrative, on eligibility cases including the Appellant's. The Respondent noted the May 24, 2024 review of eligibility was completed. After an application or review resulting in approval, the Respondent is required to provide written notice of the case status, benefit level, and certification period. Not only must the Respondent deliver this notice, but the Appellant must also receive it. The Respondent made no comments on the Appellant's case between May 24, 2024, and June 10, 2025. (Exhibit D-4) On June 10, 2025, a Respondent worker added a comment to the Appellant's case comments indicating the discovery of an incorrect address for the Appellant. The Respondent used an incorrect address for the Appellant since May 24, 2024, and possibly longer.

The Appellant offered convincing testimony that her address was in error and that she did not receive notification sent to the incorrect address stating she needed to complete an eligibility review. The Respondent worker testified that there was no returned mail from the Appellant. However, the Appellant's testimony was persuasive and the possibility of errors by either the postal service or Respondent workers cannot be ignored. The Respondent discovered their error on June 10, 2025, and failed to consider how their error should have affected their adverse actions at the time. (Exhibit D-4, entry dated June 10, 2025) The Respondent's notice of the Appellant's obligation to complete a SNAP review, her SNAP termination, and any notification of her

certification period were not delivered to the Appellant. Before taking adverse action, the Respondent's action must be delivered and received. The Respondent's action to take these adverse actions without meeting their notification burden cannot be affirmed.

CONCLUSIONS OF LAW

- 1) Because the Respondent used an incorrect address for the Appellant since at least May 24, 2024, no notices since that date were properly delivered.
- 2) Because the Respondent delivered any notification of the Appellant's certification period to the incorrect address, the Appellant was not properly notified of this information.
- 3) Because the Respondent delivered the notice of the Appellant's upcoming SNAP review to the incorrect address, the Appellant was not properly notified of this information.
- 4) Because the Respondent delivered the notice of the Appellant's SNAP closure to the incorrect address, the Appellant was not properly notified of this information.
- 5) Because the Respondent must properly notice certification periods, reduced certification periods, upcoming SNAP reviews, and SNAP termination prior to taking adverse action on these factors, the Respondent incorrectly terminated the Appellant's SNAP benefits.

DECISION

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

ENTERED this ____ day of August 2025.

Todd Thornton
State Hearing Officer