



August 28, 2025

[REDACTED]

RE: [REDACTED] v. WVDoHS-BFA
ACTION NO.: 25-BOR-2583

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,

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-2583

**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 August 27, 2025, on an appeal filed with the Board of Review on August 5, 2025.

The matter before the Hearing Officer arises from the July 9, 2025 decision by the Respondent to expunge Supplemental Nutrition Assistance Program (SNAP) benefits from the Appellant's Electronic Benefit Transfer (EBT) card.

At the hearing, the Respondent appeared by Kristyne Hoskins, BFA. The Appellant was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Notice of Expungement dated April 25, 2025
- D-2 Notice of Expungement dated May 28, 2025
- D-3 Notice of Expungement dated July 9, 2025
- D-4 EBT Edge Case Information
- D-5 West Virginia Income Maintenance Manual Chapter 1.5.17.B.1

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 failed to utilize SNAP EBT benefits after 229 days from the date of issuance.
- 3) Inactive EBT accounts are expunged after a 274 days.
- 4) The Respondent expunged SNAP EBT benefits on three separate occasions.
- 5) On April 25, 2025, the Respondent issued notice (Exhibit D-1) informing her that she had not utilized her SNAP EBT account for 229 days from the date of issuance and if she had not utilized those benefits within 274 days from the date of issuance, the benefits would be removed from her EBT account.
- 6) On May 28, 2025, the Respondent issued notice (Exhibit D-2) informing her that she had not utilized her SNAP EBT account for 229 days from the date of issuance and if she had not utilized those benefits within 274 days from the date of issuance, the benefits would be removed from her EBT account.
- 7) On July 9, 2025, the Respondent issued a notice (Exhibit D-3) informing her that SNAP benefits had been expunged from her EBT account.
- 8) The total amount of expunged SNAP benefits is unknown.
- 9) The Appellant reapplied for SNAP benefits in August 2025 and was approved at a prorated amount of \$253.00.
- 10) The Appellant's ongoing monthly SNAP benefit amount is \$292.00.
- 11) The Appellant has \$95.57 available in SNAP benefits. (Exhibit D-4)
- 12) The Appellant has a remaining TANF balance of \$1666.81. (Exhibit D-4)
- 13) TANF benefits are expunged 365 days from the date of issuance.
- 14) The Respondent has not yet expunged any TANF benefits from Appellant.

APPLICABLE POLICY

West Virginia Income Maintenance Manual 10.3.3 documents:

“Benefit” refers to the procedural process of depositing any Supplemental Nutrition Assistance Program (SNAP) or cash benefits into an EBT cardholder’s account.

“Expungement” is the removal of benefits from an EBT account.

The “aging process” is based on a first-in, first-out basis, oldest to newest, which means that each grant month deposit has a separate aging cycle.

The issuance date will be the parameter that determines the aging of a benefit month.

Once a benefit month account has reached 122 days after issuance for Summer EBT, 274 days after issuance for SNAP and 365 days from the date of last use for WV WORKS, the benefit is expunged.

The Worker must check the EBT account and card status when speaking with a client regarding the receipt and/or access to both SNAP and cash benefits. Although an account has an expungement, there may be remaining benefit month amounts in the account.

Expungement occurs based upon the date of issuance and the time a monthly benefit was issued to the household. Once benefits have been expunged, the benefit aging and benefit expungement process will continue for remaining benefit months on an account based on the date(s) the remaining months were issued.

Immediate expungement will for SNAP occur when it has been determined all members of the Assistant Group are deceased and the worker has obtained independent verification of the death(s).

West Virginia Income Maintenance Manual 10.3.3.A documents:

An alert will be sent to the worker and a notice to the SNAP AG advising they have not used benefits from the account that were issued 229 days prior to the date of the notice. The notice advises if the client does not take action within 13 days and a claim is present, the remaining amount from the benefit will be applied to the claim. An alert will be sent to IFM. This will give them an opportunity to act on an open claim for the case.

West Virginia Income Maintenance Manual Chapter 10.3.3.C documents:

An alert will be sent to the worker and a notice will be sent to the client advising the SNAP benefits have been expunged and are no longer available. The notice will also advise they may have other benefit months remaining. The clients are also encouraged to use all monthly SNAP allotments within 274 days of receipt.

After an expungement, all other non-zero benefits on the account will remain unaffected and will continue to age until they reach 274 days from the date they were issued and then they will be expunged as well.

Code of Federal Regulations § 274.2(i) documents in pertinent part:

(i) ***Expungement.***

(1) State agencies shall apply SNAP transactions against a household's SNAP benefits on a first-in-first-out basis. As a result, the oldest SNAP benefits are used first. On a daily basis, the State agency shall expunge benefits from EBT accounts at the monthly benefit allotment level in accordance with either [paragraph \(i\)\(1\)\(i\)](#) or [\(ii\)](#) of this section. State agencies must designate which approach will be used in its State plan and use the same approach for all households within the State.

(i) ***Inactive EBT accounts.*** Benefits allotments, or portion thereof, shall be expunged from EBT accounts that have been inactive, per [paragraph \(h\)\(1\)](#) of this section, for a period of nine months (274 days) in accordance with the following:

(A) When the oldest benefit allotment has not been accessed by the household for nine months, the State agency shall expunge benefits from the EBT account or off-line storage at the monthly benefit allotment level as each benefit allotment ages to nine months since the date of issuance or since the last date of account activity, whichever date is later.

(B) The State agency shall not expunge any benefits from active accounts even if there are benefit allotments older than nine months. If at any time after the expungement process begins, the household initiates activity affecting the balance of the account, the State shall stop expunging benefits from the account and start the account aging process over again for the remaining benefits.

(ii) ***Unused benefits.*** The State agency shall expunge individual benefit allotments, or portion thereof, that remain in a household's EBT account nine months (274 days) after the date the allotment was issued to the household, regardless of any account activity that may have taken place.

(2) Not later than 30 days before benefit expungement is scheduled to begin, State agencies shall provide notice to the household that benefits in their EBT account are approaching expungement due to nonuse/inactivity. At a minimum, the notice shall include:

(i) The date upon which benefits are scheduled to be expunged; and

(ii) The steps necessary to prevent the expungement, including an opportunity to request that any benefits stored off-line be restored to the household in accordance with [paragraph \(h\)](#) of this section;

(3) Expunged benefits shall be removed from the Account Management Agent and shall not be reinstated.

(4) Notwithstanding [paragraph \(i\)\(1\)](#) of this section, in instances when the State agency verifies a death match for all certified members of the household and closes the SNAP case in accordance with [§ 272.14 of this chapter](#), the State agency shall expunge the remaining SNAP balance in the household's EBT account at that time. In accordance with [§ 273.13\(b\)\(2\) of this chapter](#), expungement notices, per [paragraph \(i\)\(2\)](#) of this section, are not required for these households.

(j) ***Procedures to adjust SNAP accounts.*** Procedures shall be established to permit the appropriate managers to adjust SNAP benefits that have already been posted to an EBT account prior to the household accessing the account, or to remove benefits from inactive accounts for off-line storage or expungement in accordance with [paragraphs \(h\) and \(i\)](#) of this section.

(1) Whenever benefits are stored off-line or expunged, the State agency shall document the date, amount of the benefits, and storage location in the household case file.

(2) Issuance reports shall reflect the adjustment to the State agency issuance totals to comply with monthly issuance reporting requirements prescribed under [§ 274.4](#).

DISCUSSION

In July 2025, the Respondent expunged Supplemental Nutrition Assistance Program (SNAP) benefits from the Appellant's Electronic Benefit Transfer (EBT) account after a 274 period of inactivity. The Appellant appeals the Respondent's action to expunge the unused benefits. The Respondent must prove by a preponderance of evidence that it was correct in its determination to expunge the unused SNAP benefits from the Appellant's EBT account.

Pursuant to federal regulations, SNAP benefit allotments, or portions thereof, which have been inactive for a period of nine months or 274 days shall be expunged from EBT accounts. Once expunged benefits are removed, they cannot be reinstated. Governing policy requires notice of the expungement be issued 229 days from EBT inactivity. Thereafter, a notice must be issued after 274 days of inactivity informing the individual that SNAP benefits have been expunged and no longer available.

On April 25, 2025 and May 28, 2025, the Respondent notified the Appellant (Exhibit D-1 and Exhibit D-2) that her SNAP EBT account had been inactive for 229 from the date of issuance and the benefits would be removed in 45 days from the mailing date of the notice. On July 9, 2025, the Respondent followed up on the expungement of benefits with a notice to the Appellant (Exhibit D-3) informing her that SNAP benefits on the EBT account have not been utilized for 274 days and they will be removed. Additional testimony revealed that the Appellant has approximately \$1666.81 in unused TANF benefits, which should have been expunged 365 days from the date of

EBT inactivity, but are still available to the Appellant. The Respondent representatives indicated that the Respondent has initiated the process to expunge those TANF benefits.

The Appellant contends that the expungement notices were improper because they did not identify an amount of unused benefits. The Appellant indicated that upon recipient of the expungement notice, she utilized her EBT to “stock up” on items to avoid any expungement. The Appellant also provided testimony that she provided foster care and was unaware of any TANF benefits available on the EBT card.

Based on an evidentiary review, SNAP benefits are expunged after 274 days of inactivity. The Respondent provided notice of the expungement of SNAP benefits due to EBT inactivity and notice after the completion of the expungement of benefits. Federal regulations dictate that at any time after the expungement process begins and the household initiates activity affecting the balance of the account, the state agency shall stop expunging benefits from the account and start the account aging process over again for the remaining benefits. While the Appellant contends she initiated activity on her EBT card to stop the expungement process, the Appellant failed to provide specific dates on when that activity commenced. Evidence demonstrates the dates the expungements were initiated; however, there was no clear evidence from the Appellant to demonstrate whether the EBT activity occurred prior to the expungement date. Because there was no evidence to support whether the EBT activity occurred prior the expungement date, the Respondent was correct in its decision to expunge unused SNAP benefits.

CONCLUSIONS OF LAW

- 1) Federal regulations require the expungement of SNAP benefits from EBT accounts after a period of inactivity of nine months or 274 days.
- 2) Governing policy requires the issuance of a notice of expungement 229 after the initial SNAP issuance.
- 3) Governing policy requires the issuance of a notice to the SNAP recipient after the expungement of benefits informing them that benefits are no longer available.
- 4) The Respondent issued notice prior to and after the expungement of SNAP benefits.
- 5) When a household initiates EBT activity prior to the SNAP expungement, the state agency is required to stop the expungement process.
- 6) Once SNAP benefits have been expunged, they cannot be reinstated.
- 7) The Appellant failed to demonstrate she initiated an EBT activity prior to the SNAP expungement.
- 8) The Respondent’s decision to expunge unused SNAP benefits is affirmed.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to expunge unused SNAP benefits after 274 days of EBT inactivity.

ENTERED this _____ day of August 2025.

Eric L. Phillips
State Hearing Officer