



January 9, 2026

[REDACTED]

RE: [REDACTED] v. WVDOHS
ACTION NO.: 25-BOR-3374

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,

Amy Hayes
State Hearing Officer
Member, State Board of Review

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

cc: Kristyne Hoskins, Department Representative

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

██████████,

Appellant,

v.

Action Number: 25-BOR-3374

**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 December 17, 2025, upon a timely appeal requested on November 24, 2025.

The matter before the Hearing Officer arises from the November 18, 2025 notice from the Respondent that the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits would be closed after November 30, 2025.

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

EXHIBITS

Department's Exhibits:

- D-1 Notice from DoHS to ██████████ of Supplemental Nutrition Assistance Program (SNAP) redetermination and review form dated October 16, 2025
- D-2 Case comments screen prints dated July 31 through November 12, 2025
- D-3 Notice dated November 13, 2025, from DoHS to ██████████ of a missed appointment for a SNAP redetermination interview; Notice dated November 13, 2025, from DoHS to ██████████ of a rescheduled appointment for a SNAP redetermination interview
- D-4 Case comments screen prints dated November 18 through December 4, 2025

- D-5 Notice dated November 19, 2025, from DoHS to [REDACTED] of a missed appointment for a SNAP redetermination interview; Notice dated November 18, 2025, from DoHS to [REDACTED] of closure of SNAP benefits because [REDACTED] did not complete an Eligibility Review
- D-6 Screen print of Case File Search
- D-7 Case comments screen prints dated November 18 through December 4, 2025
- D-8 SNAP redetermination form filled out by [REDACTED] and stamped by the Respondent on November 26, 2025
- D-9 Case comments screen prints dated November 18 through December 4, 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) On October 16, 2025, the Respondent notified the Appellant that her SNAP and Medicaid benefits must be reviewed that month and that she must complete a SNAP eligibility review form and submit it by November 1, 2025. (Exhibit D-1)
- 3) The October 16, 2025, notification indicated that a telephone interview was required and the interview would take place on November 12, 2025. (Exhibit D-2)
- 4) The Appellant missed the interview scheduled for November 12, 2025. (Exhibit D-3)
- 5) On November 18, 2025, the Respondent mailed a notice to the Appellant that a telephone interview had been rescheduled for November 18, 2025.
- 6) The Appellant missed the interview scheduled for November 18, 2025. (Exhibit D-5)
- 7) On November 19, 2025, the Respondent notified the Appellant that her SNAP benefits were being closed and she would receive her last benefit in November 2025. (Exhibit D-5)
- 8) On November 24, 2025, the Appellant requested a fair hearing. (Exhibit D-7)
- 9) On November 28, 2025, the Appellant hand delivered a completed SNAP eligibility review form to the local Department of Human Services (DoHS) office by dropping it in the drop box. (Exhibit D-7)

- 10) State Offices, including DoHS, were closed on November 26 beginning at noon through November 30, 2025.
- 11) The required telephone interview had not been completed at the time of the hearing.

APPLICABLE POLICY

Code of Federal Regulations (CFR) § 273.2 e describes Interviews, in pertinent part:

(e) Interviews.

(1) Except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter.

(2) The State agency may use a telephone interview instead of the face-to-face interview required in paragraph (e)(1) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency.

West Virginia Income Maintenance Manual Section 1.2.2.B describes the Redetermination Process, in pertinent part:

1.2.2.B Redetermination Process

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 the Application Process above. Eligibility system changes and client notification of any changes resulting from the redetermination conclude the process.

1.4.1.F Late Redetermination Submission

When a SNAP AG is closed for failure to return a completed redetermination form, a new application is not required when the completed redetermination form is returned by the last day of the month following the end of the certification period. All SNAP redeterminations require an interview. See Section 1.4.18, Application/Redetermination Variations.

West Virginia Income Maintenance Manual, Section 1.4.18 describes the Application/Redetermination Variations, in pertinent part:

Redetermination procedures are the same as application procedures except in the following situations.

1.4.18.A Redetermination Forms

The following methods can be used for redetermination:

- System generated redetermination forms (CSLE or CSLR)
- WV PATH
- DFA-2 and DFA-RR-1
- DFA-SNAP-1

The eligibility system automatically mails the CSLE/CSLR in the month prior to the last month of certification. The form must be completed and returned prior to the scheduled interview date specified on the CSLE/CSLR. The form is considered complete when signed and dated by the client or his authorized representative or completed and submitted by WV PATH.

1.4.18.B Redetermination Cycle

When a case is redetermined and found eligible, a new certification period is established. See Section 1.4.14, Certification Period.

1.4.18.C Redetermination Interview

An interview is required regardless of the method by which the redetermination is completed. A phone interview is conducted unless one or more of the following criteria is met:

- The client or his authorized representative requests a face-to-face interview. The Worker must schedule the appointment; or
- The Department determines that a phone interview is not appropriate due to questionable circumstances. The criteria stated in Section 7.2 for questionable circumstances for verifications, also apply to and serve as guidance for scheduling face- to-face interviews due to questionable circumstances. Supervisory approval and case documentation is required when scheduling a face-to-face interview due to questionable circumstances.

1.4.18.D Scheduling Interviews

When the client submits a redetermination, either in person, by mail, fax or WV PATH, but fails to complete a scheduled interview for redetermination, he is notified of the missed interview and that it is his responsibility to reschedule the interview. In addition, he receives notice of AG closure if the redetermination is not completed.

When the client does not submit a redetermination form, he is only notified of AG closure.

Scheduling an Interview Example 1: A SNAP redetermination is scheduled for September 1. The client calls the office and requests a redetermination form be mailed to him and that an interview be scheduled to accommodate his work hours.

The interview is scheduled for September 10 and the client returns the redetermination form by mail on September 7. The client misses the scheduled interview on September 10. Because he filed a redetermination by mail, but missed a scheduled interview, the Worker sends a notice to inform the client he is responsible for scheduling another interview. At adverse notice deadline, if the client has not completed the interview, a closure notice is sent.

Scheduling an Interview Example 2: Same situation as above, but the client does not file a redetermination or appear for an interview. No notice is required or a missed interview because a redetermination was not submitted, but a closure notice is sent.

All SNAP AGs must receive a notice of expiration of the certification period. For cases certified for more than one month, the notice must be received in the month prior to the last month of certification.

The local office has the following options in scheduling redetermination interviews:

- Schedule an interview by sending an appointment letter to each AG to be redetermined.

The appointment may be scheduled anytime during the last month of certification. However, if the client's appointment is scheduled after the 15th, he may request and must be granted an appointment for the 15th or earlier. The client must be given 15 days from the date of the appointment letter before any penalties are applied for failure to keep the appointment.

- Redeterminations for pure SSI AGs may be initiated by SSA staff and completed by the Worker. The AG is notified of this service by form ES-RT-3. See Special Considerations below.

West Virginia Income Maintenance Manual, Section 9 describes the Advance Notice Requirements, in pertinent part:

9.3.1 Advance notice requirements

A client must receive advance notice in all situations involving adverse actions except those described in the Adverse Actions Not Requiring Advance Notice section below.

The advance notice requirement is that notification be mailed to the client at least 13 days prior to the first day of the month in which the benefits are affected.

NOTE: The date on the notice must be the date it is mailed.

9.3.1.A Adverse Actions Requiring Advance Notice

Adverse actions are defined by program as follows. Use the DFA-NL-C in these situations.

Program	Adverse Actions	Notes
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SNAP	AG closure Decrease in SNAP benefit amount Shortened certification period	The following are not adverse actions, but do require client notification: <ul style="list-style-type: none"> • When the amount does not increase following a Supplemental Security Income (SSI) check reduction for repayment of an error caused by client’s intentional misrepresentation. • When the benefit amount does not increase following a reduction, suspension, or termination of a federal, State, or local means-tested welfare or public assistance program due to the client’s failure to comply with the program’s requirements. This includes a reduction in WV WORKS benefits due to a sanction.
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DISCUSSION

Federal regulations state that households receiving Supplemental Nutrition Assistance Program (SNAP) benefits must have an interview at least every 12 months after initial certification. The West Virginia Income Maintenance Manual states that SNAP redetermination procedures follow the same procedures as an application, and an interview is required. A SNAP redetermination consists of both completion of a review form and a telephone interview.

The Respondent issued a written notice to the Appellant on October 16, 2025, advising her of the responsibility to complete and return a SNAP review form and complete a telephone interview. The last month of the Appellant’s SNAP certification period was November 2025.

The Appellant did not complete the required telephone interview, which was scheduled for November 12, 2025. The Appellant did not offer any testimony as to why she did not complete the scheduled interview. The Respondent issued a written notice to the Appellant, dated November 13, 2025, advising the Appellant that a second telephone interview was scheduled for November 18, 2025. The notice indicated that if she did not keep the appointment, her SNAP benefits would be closed. The Appellant did not complete the second interview.

The Appellant testified that she did not receive the November 13 notice until a couple days after November 18, 2025. She also testified that the envelope indicated that it was not mailed until November 18, 2025. The Appellant testified that she missed the second interview because she was not aware that she needed to complete one.

A notice of a second telephone interview is not an adverse action that requires advance notice. While it is unfortunate that the Appellant did not receive notice of her second interview until on or after the date of the interview, the Respondent showed by a preponderance of the evidence that it notified the Appellant that a telephone interview was required, and that a worker called the Appellant on both November 12, 2025 and November 18, 2025, and left voicemails.

Policy stipulates that when a client submits a redetermination, either in person, by mail, fax or WV PATH, but fails to complete a scheduled interview for redetermination, she is notified of the missed interview and that it is her responsibility to reschedule the interview. In addition, she receives notice of AG closure if the redetermination is not completed.

The Appellant testified that she completed and mailed the SNAP review form in mid-November. However, she did not provide any evidence to show the date she completed or mailed it. The Respondent's case comments indicate that the first review form was not received. The Appellant testified that she dropped another SNAP review form in the drop box at the local office on Black Friday, which was November 28, 2025. The local office was closed on that date. The Respondent date-stamped the document as received on November 26, 2025. The client's testimony as to the date the review form was dropped off was given more weight, because the Appellant wrote the date as "11/28/25" next to her signature on the form.

At the time of the hearing, the Appellant had not completed the telephone interview, which is the second part of the redetermination process. Neither party contested that the required telephone interview had not been completed.

Both the review form and telephone interview are required, and the telephone interview was not completed by November 30, 2025. The Appellant received proper notice of expiration of the certification period. Thus, the Respondent correctly notified the Appellant that her SNAP benefits would close after November 30, 2025.

CONCLUSIONS OF LAW

- 1) Failure to complete a redetermination results in the termination of Supplemental Nutrition Assistance Program (SNAP) benefits. A SNAP redetermination consists of both completion of a review form and a telephone interview
- 2) The Appellant was notified on October 16, 2025, that she must submit a SNAP eligibility review form by November 1, 2025, and complete an interview on November 12, 2025, or her benefits would stop after November 30, 2025.

- 3) The Appellant did not complete the review form by the deadline and missed the interview scheduled for November 12, 2025. The Appellant missed a second interview scheduled for November 18, 2025.
- 4) The Respondent correctly notified the Appellant that her SNAP benefits would close after November 30, 2025.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the actions of the Respondent in closing SNAP benefits after November 30, 2025.

ENTERED this 9th day of January 2026.

**Amy Hayes
State Hearing Officer**