



March 23, 2026



RE: [REDACTED] v. WVDOHS
ACTION NO.: 26-BOR-1397

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: 26-BOR-1397

**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 March 17, 2026, upon a timely appeal requested on February 23, 2026.

The matter before the Hearing Officer arises from the February 17, 2026 notice from the Respondent that the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits would be closed after February 28, 2026.

At the hearing, the Respondent appeared by Kristyne Hoskins, Economic Service Worker Senior, West Virginia Department of Human Services. 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 the Department of Human Services (DoHS) to ██████████ of Supplemental Nutrition Assistance Program (SNAP) redetermination and review form dated January 15, 2026
- D-2 Case file search screen print
- D-3 PATH Application search screen print
- D-4 Case comments screen prints for comments dated January 20 through February 25, 2026

- D-5 Notice dated February 12, 2026, from DoHS to [REDACTED] of a missed appointment for a SNAP redetermination telephone interview
- D-6 Notice dated February 12, 2026, from DoHS to [REDACTED] of rescheduled SNAP telephone interview appointment
- D-7 Notice dated February 17, 2026, from DoHS to [REDACTED] of closure of SNAP benefits because [REDACTED] did not complete an eligibility review
- D-8 Case comments screen prints for comments dated January 20 through February 25, 2026
- D-9 Notice dated February 19, 2026, from DoHS to [REDACTED] of a missed appointment for a SNAP redetermination telephone interview

Appellant's Exhibits:

- A-1 Checking account statement for activity from January 17 through February 13, 2026
- A-2 Checking account statement for activity from September 17 through October 16, 2025
- A-3 Paystub for pay date January 12, 2026

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 January 15, 2026, the Respondent notified the Appellant that her SNAP benefits must be reviewed that month and that she must complete a SNAP eligibility review form and submit it by February 1, 2026. (Exhibit D-1)
- 3) The January 15 notice indicated that a telephone interview was required, and the interview would take place on February 11, 2026. (Exhibit D-1)
- 4) On February 11, 2026, the Respondent attempted to call the Appellant and there was no answer or voicemail available, so the interview was not completed. (Exhibit D-4)
- 5) The Respondent noted that the Appellant had not returned the required redetermination form and requested a duplicate form be sent in the system. Notice was sent on February 12, 2026, that the Appellant had missed the telephone interview. (Exhibit D-4, Exhibit D-5)
- 6) On February 12, 2026, notice was sent to the Appellant rescheduling her telephonic interview to February 18, 2026. (Exhibit D-6)
- 7) On February 17, 2026, the Respondent notified the Appellant that her SNAP benefits were being closed and she would not receive this benefit after February 28, 2026. (Exhibit D-5)

- 8) On February 18, 2026, the Appellant called the Respondent and reported she did not receive the interview call. The Department worker explained that the interview was not completed because she failed to return the required redetermination form. (Exhibit D-4)
- 9) Later on February 18, 2026, the Respondent attempted to complete the second interview. (Exhibit D-8)
- 10) On February 19, 2026, notice was sent to the Appellant that she had failed to keep the February 18 appointment for her telephone interview. (Exhibit D-9)
- 11) On February 23, 2026, the Appellant requested a fair hearing. (Fair hearing request submitted to the Board of Review and part of the Administrative record)
- 12) The Appellant's SNAP benefits were closed after February 28, 2026.
- 13) On March 4, 2026, the Appellant met with the Respondent's representative for a pre-hearing conference and completed the SNAP eligibility review form and interview at that time.

APPLICABLE POLICY

Code of Federal Regulations (CFR) § 273 describes the Recertification Process for the Supplemental Nutrition Assistance Program (SNAP), in pertinent part:

§ 273.2(f)(8)(i)(A) Verification subsequent to initial certification – Recertification.

(A) At recertification the State agency shall verify a change in income if the source has changed or the amount has changed by more than \$50. Previously unreported medical expenses, actual utility expenses and total recurring medical expenses which have changed by more than \$25 shall also be verified at recertification.

(D) Other information which has changed may be verified at recertification.

§ 273.14(b)(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. The provisions of § 273.2(c)(7) regarding acceptable signatures on applications also apply to applications used at recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in paragraph (e)(3) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the casefile, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in § 273.2(b)(2), and provide the household with a notice of required verification as specified in § 273.2(c)(5).

§ 273.14(b)(4) Recertification Process - Verification. Information provided by the household shall be verified in accordance with § 273.2(f)(8)(i). The State agency shall provide the household a notice of required verification as provided in § 273.2(c)(5) and notify the household of the date by which the verification requirements must be satisfied.

§ 273.14(e)(3) Delayed processing.

If a household files an application within 30 days after the end of the certification period, the application shall be considered an application for recertification; however, benefits must be prorated in accordance with § 273.10(a).

§ 273.10(a)(2) Application for Recertification

If a household, other than a migrant or seasonal farmworker household, submits an application after the household's certification period has expired, that application shall be considered an initial application and benefits for that month shall be prorated in accordance with paragraph (a)(1)(ii) of this section.

§ 273.13 Notice of adverse action.

(a) **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.

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.

DISCUSSION

Federal regulations state that no household may participate in the Supplemental Nutrition Assistance Program (SNAP) beyond the expiration of the certification period without a determination of eligibility for a new period. In determining eligibility, the agency must verify certain changes, such as a change in income if the source has changed or the amount has changed by more than \$50. West Virginia Department of Human Services (DoHS) policy states that a SNAP redetermination consists of both completion of a review form and a telephone interview.

The Appellant was a recipient of SNAP benefits. The last month of her certification period was February 2026. The Respondent issued a written notice to the Appellant on January 15, 2026, advising her of the responsibility to complete and return a SNAP review form and complete a telephone interview. The notice gave the Appellant a deadline of February 1, 2026, to return the review form. It also indicated that the telephone interview was scheduled for February 11, 2026. The notice advised that the Appellant's SNAP benefits would be closed after February 28, 2026, if she did not complete the review form and interview.

The Appellant did not return the SNAP review form by the February 1 deadline. She also did not return it before February 28, 2026. The Appellant's SNAP benefits were closed on February 28, 2026. The Respondent's representative, Kristyne Hoskins (hereinafter Ms. Hoskins), testified that that the Appellant did not complete the review form until March 4, 2026.

The Appellant did not complete the required telephone interview, which was scheduled for February 11, 2026. The Appellant testified that she did not complete the scheduled interview because she is not good at using her phone and did not answer when the Respondent's worker called her. The Respondent issued a written notice to the Appellant, dated February 12, 2026, advising the Appellant that a second telephone interview was scheduled for February 18, 2026. The notice indicated that if she did not keep the appointment, her SNAP benefits would be closed.

The Appellant called the Respondent's office on the date of her second interview appointment, February 18, 2026. However, the Respondent's workers did not complete the interview with her during that call. Ms. Hoskins testified that the interview was not completed when the Appellant called because the worker who answered the phone did not have the questions. On February 18, 2026, one of the Respondent's workers called the Appellant to complete the interview and the Appellant did not answer. The Appellant testified that, again, she likely missed the call because she is not good at using her phone.

The evidence showed that the Appellant did not complete an interview before the date of closure. Ms. Hoskins testified that the Appellant completed an interview on March 4, 2026.

The Appellant was notified on February 17, 2026, that her SNAP benefits would close after February 28, 2026. Federal regulations state that, prior to any action to reduce or terminate a household's benefits within the certification period, the agency shall provide the household timely and adequate advance notice before the adverse action is taken. The evidence showed that the closure of the Appellant's benefits was after the expiration of the certification period, as it expired after February 28, 2026. The Respondent timely and adequately notified the Appellant of the requirement to submit a review form and complete an interview.

The evidence showed that neither the review form, nor the telephone interview, was completed before the date of closure, February 28, 2026. Federal regulations state that, if a household files an application within 30 days after the end of the certification period, the application shall be considered an application for recertification; however, benefits must be prorated. The Appellant submitted her redetermination form on March 4, 2026. At that time, the Respondent determined that additional verifications were required. The Appellant must submit the verifications for her eligibility to be determined. A new application for SNAP benefits is not required, but the Appellant's benefits must be prorated from the date all requested verifications are submitted, if within 30 days after the end of the certification period.

CONCLUSIONS OF LAW

- 1) A SNAP redetermination consists of both completion of a review form and a telephone interview, and the Appellant was required to complete the redetermination prior to the end of

her certification period, February 28, 2026. Failure to complete a redetermination results in the termination of Supplemental Nutrition Assistance Program (SNAP) benefits.

- 2) The Appellant was notified on January 15, 2026, that she must submit a SNAP eligibility review form by February 1, 2026, and complete an interview on February 11, 2026, or her benefits would stop after February 28, 2026.
- 3) The Appellant did not complete the review form by the deadline and missed the interview scheduled for February 11, 2026. The Appellant missed a second interview scheduled for February 18, 2026.
- 4) On March 4, 2026, which was within 30 days after the end of the certification period, the Appellant completed the review form and interview. However, at the time of the hearing, there were verifications requested by the Respondent that had not been submitted.
- 5) The Respondent shall accept any verifications submitted by the Appellant and prorate her benefits from the date the verifications are received.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the actions of the Respondent in closing the Appellant's SNAP benefits after February 28, 2026, because the Appellant did not complete a redetermination.

ENTERED this 23rd day of March 2026.

**Amy Hayes
State Hearing Officer
Member, Board of Review**