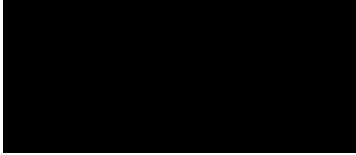




April 8, 2026



RE: [REDACTED] v. WVDoHS/BFA
ACTION NOS.: 26-BOR-1439, 26-BOR-1676

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**

[REDACTED]

Appellant,

v.

**Action Numbers: 26-BOR-1439 (SNAP)
26-BOR-1676 (UDP)**

**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 March 25, 2026, upon a timely SNAP appeal filed on February 27, 2026. At the hearing, the Appellant requested a hearing regarding the Utility Discount Program (UDP).

The matter before the Hearing Officer arises from the January 16, 2026 decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits for failure to complete a review of eligibility. The referral for the UDP matter includes the October 6, 2025 application packet (Exhibit HO-1) for UDP mailed by the Respondent to the Appellant.

At the hearing, the Respondent appeared by Jessica Shah, who testified on the Respondent's behalf. The Appellant was self-represented and testified on his behalf. Also testifying on behalf of the Appellant was his father, [REDACTED]. All witnesses were placed under oath, and the following documents were admitted into evidence.

EXHIBITS

Department's Exhibits:

D-1 Notice of decision, dated January 16, 2026

Case comments, entries dated November 22, 2022, through March 2, 2026
Verification checklist, dated February 1, 2024
Utility bills
Excerpt of notice, dated December 23, 2024
SNAP application form, dated January 3, 2025
Scanned envelope
Excerpt of notice, dated August 25, 2025
Scanned envelope
Excerpt of additional notice, dated August 25, 2025
Scanned envelope
Excerpt of notice, dated December 22, 2025
Scanned envelope
Excerpt of notice, dated January 4, 2026
Scanned envelope
Excerpt of additional notice, dated January 4, 2026
Scanned envelope
Excerpt of SNAP redetermination form, mailed December 15, 2025,
received February 2, 2026
Screen print – PATH application search
Excerpted SNAP application/review forms

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 was required to complete a redetermination of his SNAP eligibility.
- 3) The Respondent mailed the Appellant a notice, dated December 15, 2025, which states, in part, “Your SNAP benefits must be reviewed this month. Please complete this form for SNAP eligibility review.” (Exhibit D-1, SNAP redetermination form)
- 4) The notice provided a deadline of January 1, 2026, for the Appellant to return the completed form. (Exhibit D-1, SNAP redetermination form)
- 5) The Appellant did not return the SNAP review form by the January 1, 2026 deadline.

- 6) The notice additionally stated, “You must be interviewed for your SNAP benefits. A worker will schedule a telephone interview to review the answers on your form. Phone call is required.” (Exhibit D-1, SNAP redetermination form)
- 7) The notice scheduled an appointment for the Appellant’s SNAP eligibility interview on January 15, 2026, at 9:00 a.m. (Exhibit D-1, SNAP redetermination form)
- 8) The Appellant did not complete his SNAP eligibility interview on January 15, 2026. (Exhibit D-1, Case comments)
- 9) The Appellant did not report a change in address on the SNAP redetermination form he submitted in 2025. (Exhibit D-1, Case Comments; Exhibit D-1, SNAP application form, dated January 3, 2025)
- 10) The Appellant did not report a change in address between his January 2025 review and the SNAP eligibility interview attempted by the Respondent on January 15, 2026. (Exhibit D-1, Case Comments)
- 11) The Respondent mailed the Appellant a notice, dated January 16, 2026, which states, in part, “Your SNAP benefit(s) is/are being closed. You will receive your last benefit in the month your certification period expires, January 2026.” (Exhibit D-1, Notice of decision, dated January 16, 2026)
- 12) The notice additionally states, “[Appellant] did not complete an Eligibility Review.” (Exhibit D-1, Notice of decision, dated January 16, 2026)
- 13) The Appellant returned the completed SNAP redetermination form on February 2, 2026. (Exhibit D-1, SNAP redetermination form)
- 14) The Respondent mailed the Appellant an application packet (Exhibit HO-1), dated October 6, 2025, for the Utility Discount Program (UDP).
- 15) The Appellant received the UDP application.
- 16) The Appellant “sent in” the UDP application in the first week of November 2025.
- 17) The UDP application (Exhibit HO-1) advised the Appellant, “The completed application form must be received by your electric and/or natural gas company within 30 days of the date appearing on this letter...”
- 18) The UDP application (Exhibit HO-1) advised the Appellant, “Do not return the application form to the West Virginia Department of Human Services. You may lose benefits if you do this.”
- 19) The Appellant was responsible for mailing the UDP application to his utility companies.

- 20) The Respondent does not determine UDP eligibility.

APPLICABLE POLICY

Code of Federal Regulations 7 CFR § 273.14 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. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

(b) **Recertification process** —

(1) **Notice of expiration.**

(i) The State agency shall provide households certified for one month or certified in the second month of a two-month certification period a notice of expiration (NOE) at the time of certification. The State agency shall provide other households the NOE before the first day of the last month of the certification period, but not before the first day of the next-to-the-last month. Jointly processed PA and GA households need not receive a separate SNAP notice if they are recertified for SNAP benefits at the same time as their PA or GA redetermination.

(ii) Each State agency shall develop a NOE. The NOE must contain the following:

(A) The date the certification period expires;

(B) The date by which a household must submit an application for recertification in order to receive uninterrupted benefits;

(C) The consequences of failure to apply for recertification in a timely manner;

(D) Notice of the right to receive an application form upon request and to have it accepted as long as it contains a signature and a legible name and address;

(E) Information on alternative submission methods available to households which cannot come into the certification office or do not have an authorized representative and how to exercise these options;

(F) The address of the office where the application must be filed;

(G) The household's right to request a fair hearing if the recertification is denied or if the household objects to the benefit issuance;

(H) Notice that any household consisting only of Supplemental Security Income (SSI) applicants or recipients is entitled to apply for SNAP recertification at an office of the Social Security Administration;

(I) Notice that failure to attend an interview may result in delay or denial of benefits; and

(J) Notice that the household is responsible for rescheduling a missed interview and for providing required verification information.

(iii) To expedite the recertification process, State agencies are encouraged to send a recertification form, an interview appointment letter that allows for either in-person or telephone interviews, and a statement of needed verification required by § 273.2(c)(5) with the NOE.

(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).

(3) **Interview.** As part of the recertification process, the State agency must conduct an interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The provisions of § 273.2(e) also apply to interviews for recertification. The State agency may choose not to interview the household at interim recertifications within the 12-month period. The requirement for an interview once every 12 months may be waived in accordance with § 273.2(e)(2).

(ii) If a household receives PA/GA and will be recertified for SNAP benefits more than once in a 12-month period, the State agency may choose to conduct a face-to-face interview with that household only once during that period. At any other recertification during that year period, the State agency may interview the household by telephone, conduct a home visit, or recertify the household by mail.

(iii) State agencies shall schedule interviews so that the household has at least 10 days after the interview in which to provide verification before the certification period expires. If a household misses its scheduled interview, the State agency shall send the household a Notice of Missed Interview that may be combined with the notice of denial. If a household misses its scheduled interview and requests another interview, the State agency shall schedule a second interview.

...

West Virginia Income Maintenance Manual (WVIMM) § 1.2.2.B provides:

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.

WVIMM § 1.4.18.A provides:

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.

WVIMM § 1.4.18.C provides, in part, “An interview is required regardless of the method by which the redetermination is completed...”

WVIMM § 1.4.18.D provides, in part (emphasis added):

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.

WVIMM § 1.2.4 provides, in part:

The client's responsibility is to provide complete and accurate information about his circumstances so that the Worker is able to make a correct determination about his eligibility.

WVIMM § 10.4.2 provides, in part:

All SNAP assistance groups (AGs) must report changes related to eligibility and benefit amount at application and redetermination. SNAP AGs are subject to limited reporting requirements, and the reporting requirements in this section apply to recipient AGs only...

WVIMM § 10.4.2.A provides, in part (emphasis added):

When approved with a gross non-excluded income at or below 130% of the Federal Poverty Level (FPL), an AG must report when the total gross non-excluded earned and unearned income of the Income Group (IG) exceeds 130% of the FPL for the number of individuals in the original AG.

When approved with a gross non-excluded income above 130% of the FPL, an AG must report when the total gross non-excluded earned and unearned income of the IG exceeds 200% of the FPL for the number of individuals in the original AG.

If an AG approved with income at or below 130% of the FPL reports non-excluded income in excess of 130% of the FPL, the AG's eligibility must be reevaluated. If the AG remains eligible for SNAP, the AG is then required to report when the total gross non-excluded earned and unearned income of the Income Group exceeds 200% of the FPL for the number of individuals in the original AG.

If an AG approved with income above 130% of the FPL reports non-excluded income at or below 130% of the FPL, the AG's eligibility must be reevaluated. If the AG remains eligible for SNAP, the AG is then required to report when the total gross non-excluded earned and unearned income of the Income Group exceeds 130% of the FPL for the number of individuals in the original AG.

If the household contains one or more Able-Bodied Adults Without Dependents (ABAWDs) who are exempt from the ABAWD work requirements, the household must report when an ABAWD loses his exemption or when that person's work hours are reduced to less than 20 hours a week, averaged monthly. These changes must be reported no later than the 10th calendar day of the month following the month in which the change occurs.

An individual in a sole AG or who purchases and prepares with others is required to report if they receive substantial lottery or gaming winnings greater than or equal to the SNAP asset limit for AGs containing an elderly or disabled individual during any one game. This information should always be acted upon by the agency including application, recertification or during the certification period.

No other changes are made unless the information is reported by an AG member, comes from a source that is verified upon receipt, or is received from a source that is considered reported...

WVIMM § 10.2.1.B.2 provides, in part (emphasis added):

...For SNAP AGs, see the specific reporting requirements in Section 10.4.2. SNAP AGs are not required to report a change of address, and **information from the USPS is not considered verified upon receipt**. The Worker must only act on this information if it closes all other programs...

WVIMM § 10.4.2.B.2 lists sources that are considered reported for SNAP AGs, and their treatment, in pertinent part:

...Returned mail received with a United States Postal Service (USPS) sticker indicating the client has moved out of West Virginia. If all other benefits in the case close, SNAP is also closed. If all benefits do not close, SNAP remains open and this must be addressed at next redetermination. If the case is SNAP only, benefits continue and is addressed at the next redetermination...

WVIMM § 20.4 outlines the Special Reduced Residential Service Rate (20% Utility Discount Program). **WVIMM § 20.4.1.A, § 20.4.2.A, and § 20.4.3.A** explain the Respondent's role is "...to send application packets to clients of the qualifying benefits," and to supply the respective utility, water, and sewer companies "...with lists of clients who have become ineligible for the discount because they are no longer eligible for one of the qualifying benefits." **WVIMM § 20.4.1.B, § 20.4.2.B, and § 20.4.3.B** explain that "The client completes the application and submits it" to the respective utilities, who are responsible for determining eligibility for the discount and applying the rate reduction.

DISCUSSION

The Appellant has appealed the decision of the Respondent to terminate the Appellant's SNAP benefits due to a missed review of SNAP eligibility. The Respondent must show that it correctly terminated the Appellant's SNAP benefits on this basis.

The Appellant presented a second issue at the SNAP hearing. The Appellant requested a hearing to address a negative action regarding the Respondent's role in administering the Utility Discount Program (UDP). The Respondent mailed the Appellant a UDP application packet (Exhibit HO-1) on October 6, 2025. The Appellant was responsible for mailing the application to his utilities, and the utility companies were responsible for notifying the Appellant regarding his eligibility. The role of the Respondent is limited to mailing application packets and informing utility companies of previously eligible individuals who have since become ineligible. The Respondent must show, by a preponderance of the evidence, that it correctly acted in accordance with its policy-defined role in administering UDP.

The Appellant is a recipient of SNAP benefits. He was required to review his SNAP eligibility and was notified of this requirement in December 2025. The review process required the Appellant to complete and return a form and complete an interview with the eligibility worker. The Appellant was required to return this form by January 1, 2026, and did not. The Appellant was scheduled for an interview on January 15, 2026, and could not be reached by the worker. The Appellant did not submit the required form or reschedule an interview in January.

On January 15, 2026, the date of the scheduled eligibility interview, the Respondent worker discovered that numerous notices to the Appellant had been returned by the U.S. Postal Service. The worker attempted to contact the Appellant to determine a correct address. The Respondent sent a notice advising the Appellant that his SNAP benefits would close at the end of January 2026 for failure to complete a review.

The Appellant testified that he reported his address change, both in person and during visits to the office. This is unconvincing, given the case narrative (Exhibit D-1, Case comments, entries dated November 22, 2022, through March 2, 2026) documenting Respondent actions on the Appellant's case. Some mailing addresses in ██████ County were changed by ██████ County 9-1-1/Emergency Services ("CCE-911"), including the Appellant's. The Appellant appeared to believe that CCE-911 was responsible for informing the Respondent of his new address, but this was the Appellant's responsibility. The Appellant returned the SNAP redetermination form for his review in January 2025 and reported no change in address at that time. There were no comments noting an address change by the Appellant, from the January 2025 redetermination form on which he actively confirmed the address on file (Exhibit D-1, SNAP application form, dated January 3, 2025) until the Respondent mailed the notice for his 2026 review in December 2025.

The Respondent discovered returned mail from the Appellant but did not close the Appellant's case for loss of contact. The Respondent was unable to act on the Appellant's returned mail because the Appellant's SNAP case was a simplified reporting case in the middle of a certification period, and the new information – in this instance, the U.S. Postal Service informing the Respondent of an incorrect address for the Appellant – could not be acted on because the U.S. Postal Service is not a source of information defined by policy as "verified upon receipt." For this reason, the Respondent could not have acted on any earlier discovery of returned mail, and the sole responsibility for the unreported address change lies with the Appellant. The Respondent's December 2025 notice – a SNAP redetermination form the Appellant was required to complete and return by January 1, 2026 – was properly delivered to the Appellant's address on file.

The Appellant contended he did not receive some notices from the Respondent, but other notices were received and returned. The Appellant did not complete a SNAP eligibility interview in January 2026 and had not returned the SNAP redetermination form by the January 1, 2026 deadline. The Respondent correctly advised the Appellant that his SNAP benefits would end in January 2026, the last month of his SNAP certification period. Although the Appellant's subsequent return of this form does not invalidate the Respondent's termination of the Appellant's SNAP benefits, it does show some notices were delivered by the U.S. Postal Service despite the Appellant's failure to meet his primary responsibility to report changes as set by SNAP policy. The Appellant also received and returned an application packet (Exhibit HO-1) for the UDP.

The Respondent mailed the Appellant the UDP application packet (Exhibit HO-1) on or about October 6, 2025. The Appellant testified that he returned this application in the first week of November. There is no date of action on the application packet (Exhibit HO-1) because it does not advise the Appellant of any negative action. The role of the Respondent with regard to UDP is to mail the Appellant an application packet, which it did. The UDP application packet (Exhibit HO-1) instructed the Appellant to mail the application to his utility companies, not to the Respondent. The Appellant's utility companies are responsible for determining his eligibility for the UDP.

Based on the reliable evidence and testimony offered at the hearing, the Respondent's actions in both matters are affirmed. The Respondent mailed the Appellant an application packet for UDP in October 2025 and a SNAP redetermination form in December 2025. The Appellant received these forms because he completed and returned them. For UDP, the Respondent has no further responsibility – eligibility determination is made by the Appellant's utility companies. For SNAP, the Appellant did not return the redetermination form by the January 1, 2026 deadline or complete the scheduled SNAP eligibility interview on January 15, 2026. Although the Respondent discovered returned mail on the Appellant's case, the Respondent was not allowed to act on this information because of policy limits on changes that can be made outside of eligibility redeterminations. The Appellant was responsible for providing the Respondent with the correct mailing address for his case, and the Respondent correctly notified the Appellant of his SNAP review requirements to the Appellant's address on file. Because the Appellant did not comply with those requirements, the Respondent properly terminated his SNAP benefits.

CONCLUSIONS OF LAW

- 1) Because the Appellant receives SNAP benefits, he is required to complete eligibility reviews, or redeterminations.
- 2) Because the SNAP review process includes both the submission of a completed redetermination form and an interview, the absence of either requirement is basis for SNAP closure.
- 3) Because returned mail from the U.S. Postal Service is not a “verified upon receipt” source in SNAP policy, and its treatment as a “considered reported” source is limited to prompting a Respondent worker to address the issue at the next review, the sole source of reporting any address change for the Appellant lies with the Appellant.
- 4) Because the Appellant did not report an address change, the Respondent properly delivered notification of his January 2026 SNAP review in December 2025.
- 5) Because the Appellant did not complete the necessary form or the required interview for his January 2026 SNAP redetermination, the Respondent must close the Appellant's SNAP effective at the end of January 2026.
- 6) Because the Appellant did not report an address change, the Respondent properly delivered the UDP application packet to the Appellant in October 2025.

- 7) The Respondent is not responsible if the Appellant failed to deliver a timely, completed UDP application to the necessary utilities.
- 8) The Respondent does not determine eligibility for UDP.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's termination of the Appellant's SNAP benefits due to a missed review, and the **UPHOLD** the Respondent's actions in conjunction with its role administering UDP benefits to the Appellant.

ENTERED this _____ day of April 2026.

**Todd Thornton
State Hearing Officer**