



July 8, 2026

RE: [REDACTED] v. WV DoHS
ACTION NO.: 26-BOR-2111

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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

cc: Monica Emery, WV DoHS
Justin Thorne, WV DoHS
Pam Trickett, WV DoHS

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

[REDACTED]
Appellant,

v.

Action Number: 26-BOR-2111

**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 July 1, 2026.

The matter before the Hearing Officer arises from the April 17, 2026, decision by the Respondent to terminate Supplemental Nutrition Assistance Program (SNAP) benefits.

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

Department's Exhibits:

- D-1 Notice of Decision dated April 17, 2026
- D-2 Hearing Request Notification form
- D-3 Case Comments from Respondent's computer system
- D-4 West Virginia Income Maintenance Manual Chapters 1.4.13 and 1.4.14

Appellant's Exhibits:

- A-1 Call logs from Appellant's phone

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 Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) The Appellant was required to complete a SNAP redetermination in April 2026.
- 3) The Respondent's computer system failed to issue the Appellant the auto-generated SNAP redetermination form in March 2026 due to a mass system error.
- 4) The Respondent sent the Appellant a Notice of Decision on April 17, 2026, informing her that SNAP benefits would be terminated effective May 2026 because she failed to complete an eligibility review (Exhibit D-1).
- 5) The Appellant contacted the Respondent on April 22, 2026, to inquire about the SNAP closure notice and left a voice mail message (Exhibit D-3).
- 6) A Respondent worker returned the Appellant's message on April 23, 2026. The worker discovered that the Appellant was not issued a SNAP redetermination form and made the following entry in Case Comments: "Tried to call client twice [REDACTED] to go over the next steps, no answer, I left a voice mail both times. No changes made to case."
- 7) The Appellant's cell phone logs reveal that she attempted to contact the [REDACTED] County DoHS office at [REDACTED] on several occasions between April and June 2026 (Exhibit A-1).
- 8) On June 22, 2026, a Respondent worker recorded that the Appellant had left voice mail messages on May 5, 2026, and May 8, 2026, inquiring about why her SNAP benefits were closing. There was no indication that a Respondent worker had returned those phone calls (Exhibit D-3).
- 9) The Appellant reapplied for SNAP benefits on June 11, 2026, and SNAP benefits were approved and prorated from the application date (Exhibit D-3).

APPLICABLE POLICY

Code of Federal Regulations 7 CFR § 273.14 states that no SNAP household may participate in the program 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.

West Virginia Income Maintenance Manual Chapter 1.2.1.A states:

In addition to addressing all questions and concerns the client may have, the Worker must explain the benefits of each program and inform the client of his right to apply for any or all of them. No person is denied the right to apply for any Program administered by the Division of Family Assistance (DFA) or the Bureau for Medical Services (BMS). Every person must be afforded the opportunity to apply for all Programs on the date he expresses his interest.

DISCUSSION

Policy states that no SNAP household may participate in the program beyond the expiration of the certification period 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. No person is denied the right to apply for any program administered by the Division of Family Assistance. Every person must be afforded the opportunity to apply for all programs on the date he expresses his interest.

The Respondent contended that the Appellant did not complete the SNAP redetermination in April 2026 and was approved for SNAP benefits after she reapplied in June 2026. The Respondent acknowledged that an agency error occurred when a review form was not sent to the Appellant by the Respondent's eligibility system.

The Appellant testified that she called the Respondent's office numerous times starting in April 2026 through June 2026 and left messages after receiving her SNAP termination notice. She did not receive a return call (apart from the message left for her by the Respondent on April 23, 2026). After she received the Respondent's voice mail message on April 23, 2026, the Appellant stated that she attempted to contact the Department to schedule her SNAP interview numerous times. The Respondent's Case Comments verify that the Appellant first attempted to inquire about her SNAP benefits on April 22, 2026, and left at least two voice mail messages in early May 2026, but there is no indication that calls after April 22, 2026, were returned.

Due to an agency error, the Respondent failed to notify the Appellant that her SNAP case was due for recertification and to mail her a review form for April 2026. As the Appellant attempted to contact the Respondent beginning April 22, 2026, to inquire about how she could reinstate SNAP benefits, the Respondent's decision to terminate SNAP benefits effective May 2026 cannot be affirmed.

CONCLUSIONS OF LAW

- 1) The Appellant's SNAP case was due for redetermination in April 2026.
- 2) The Respondent failed to notify the Appellant that her SNAP case was due for review as required by policy.
- 3) The Respondent terminated the Appellant's SNAP benefits effective May 2026.
- 4) The Appellant made numerous attempts to contact the Respondent so that her SNAP redetermination could be completed starting in April 2026.
- 5) The Respondent never scheduled a SNAP redetermination interview for the Appellant.
- 6) The Respondent's decision to terminate SNAP benefits effective May 2026 cannot be affirmed.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's action to terminate SNAP benefits effective May 2026. The Appellant is entitled to receive retroactive SNAP benefits for May 2026 and the full month of SNAP benefits for June 2026.

ENTERED this 8th day of July 2026.

Pamela L. Hinzman
State Hearing Officer