



August 12, 2026

RE: [REDACTED] v. WVDOHS
ACTION NO.: 26-BOR-2286

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**

[REDACTED]
Appellant,

v.

Action Number: 26-BOR-2286

**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 28, 2026, upon a timely appeal requested on July 10, 2026.

The matter before the Hearing Officer arises from the July 9, 2026 notice from the Respondent that the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits that had not been used for 274 days (9 months) from the date of issuance would be removed from his Electronic Benefit Transfer (EBT) account.

At the hearing, the Respondent appeared by Kristyne Hoskins, Economic Service Worker Senior, West Virginia Department of Human Services (DoHS). 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 Application for Supplemental Nutrition Assistance Program (SNAP) for [REDACTED] dated June 18, 2025
- D-2 Case comments screen prints for comments dated June 18, 2025, to July 9, 2025
- D-3 Case comments screen prints for comments dated September 17, 2025, to May 13, 2026
- D-4 Notice dated September 18, 2025, from Department of Human Services (DoHS) to [REDACTED] [REDACTED] titled Verification Checklist

- D-5 Case comments screen prints for comments dated September 17, 2025, to May 13, 2026
- D-6 Notice dated October 17, 2025, from DoHS to [REDACTED] of closure of SNAP benefits
- D-7 Case comments screen prints for comments dated May 28, 2026, to June 11, 2026
- D-8 Screen print of ebtEDGE screen showing information regarding EBT Cards
- D-9 Notice dated May 7, 2026, from DoHS to [REDACTED] of unused benefits from his SNAP Electronic Benefits Transfer account, and a Notice dated June 23, 2026, to [REDACTED] of unused benefits

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 applied for Supplemental Nutrition Assistance Program (SNAP) benefits on June 18, 2025. (Exhibit D-1)
- 2) On the SNAP application, the Appellant listed an incorrect ZIP code of 25312 for his address at [REDACTED]. (Exhibit D-1)
- 3) On September 18, 2025, the Respondent mailed a notice to the Appellant's address of record notifying him that he was required to verify his rent by September 27, 2025, and if he did not get the information to the office by the due date, his benefits may be denied or closed. (Exhibit D-4)
- 4) The Appellant did not return the rent verification by the due date. (Exhibit D-5)
- 5) On or about September 18, 2025, the Respondent issued SNAP benefits to the Appellant without a shelter deduction for benefit months June, July, August, and September 2025. (Exhibit D-5)
- 6) On or about September 18, 2025, an Electronic Benefit Transfer (EBT) card was mailed to the Appellant's address of record. (Exhibit D-8)
- 7) On September 24, 2025, the Respondent mailed an Interim Contact Report (PRC-2) form to the Appellant's address of record, which had a due date in October 2025, for November 2025 benefits. (Exhibit D-5)
- 8) The Appellant did not return the interim contact report form. (Exhibit D-5)

- 9) About mid-October 2025, the Respondent issued SNAP benefits to the Appellant for benefit month October 2025.
- 10) On October 17, 2025, the Respondent notified the Appellant at his address of record that his SNAP benefits would stop after October 31, 2025, because he did not comply with periodic reporting requirements. The Appellant's SNAP benefits were closed after October 31, 2025. (Exhibit D-6)
- 11) On May 7, 2026, notice was issued to the Appellant at his address of record, that he had not used benefits from his SNAP EBT account and if he did not use them for 274 days (9 months) from the date they were issued, they would be removed from his EBT account. (Exhibit D-9)
- 12) The Appellant did receive the May 7 notice with the incorrectly reported ZIP code and called the Respondent on May 13, 2026, to ask about it, and a worker told him he had SNAP benefits that were unused.
- 13) The Appellant reported he did not have an EBT card to utilize his benefits, so the worker ordered one to be mailed to the Appellant's address of record.
- 14) The Appellant did not receive the EBT card, and called the Respondent on May 28, 2026, and June 4, 2026, to check on the status of the card. (Exhibit D-5, Exhibit D-7)
- 15) On June 5, 2026, the Appellant called the Respondent and told a worker he had not received his EBT card. The Appellant requested a new EBT card be ordered and sent to the [REDACTED] County DoHS local office.
- 16) The address of the [REDACTED] Department of Human Services office is [REDACTED]
- 17) The worker who updated the Appellant's mailing address to the local office entered the [REDACTED] office address incorrectly. (Exhibit D-7)
- 18) On June 10, 2026, the Appellant called the Respondent to check on the status of his EBT card and the worker he spoke with discovered that the address entered for the local office was incorrect. The worker entered a comment stating that he corrected the address and the EBT card was ordered on June 11, 2026. (Exhibit D-7)
- 19) The worker incorrectly entered the address as [REDACTED] (Exhibit D-9)
- 20) On June 23, 2026, notice was sent to the incorrect county office address that the Appellant's SNAP benefits in his EBT account had not been used for 274 days. (Exhibit D-9)
- 21) On June 23, 2026, the Appellant's SNAP benefits issued in September 2025, were expunged from his EBT account.

- 22) On July 9, 2026, notice was sent to the incorrect county office address that SNAP benefits in the Appellant's EBT account had not been used for 274 days. (Notice dated July 9, 2026, submitted with the hearing request and part of the Administrative record)
- 23) Between July 9 and July 13, the Appellant obtained his EBT card from the local office.
- 24) About mid-July 2026, the Appellant's SNAP benefits issued in October 2025, were expunged from his EBT account.
- 25) There was \$44.50 of unused SNAP benefits in the Appellant's EBT account when the July expungement took place.

APPLICABLE POLICY

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

§ 273.2 Office operations and application processing.

(d) Household cooperation.

(1) To determine eligibility, the application form must be completed and signed, the household or its authorized representative must be interviewed, and certain information on the application must be verified.

(f) Verification. Verification is the use of documentation or a contact with a third party to confirm the accuracy of statements or information. The State agency must give households at least 10 days to provide required verification. Paragraph (i)(4) of this section contains verification procedures for expedited service cases.

(5) Responsibility of obtaining verification.

(i) The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information.

(g) Certification notices to households —

(1) Initial applications. State agencies shall provide applicants with one of the following written notices as soon as a determination is made, but no later than 30 days after the date of the initial application:

(i) Notice of eligibility.

(A) If an application is approved, the State agency shall provide the household with written notice of the amount of the allotment and the beginning and ending dates of the certification period.

(ii) Notice of denial. If the application is denied, the State agency shall provide the household with written notice explaining the basis for the denial, the household's right to request a fair hearing, the telephone number of the SNAP office (a toll-free number or a number where collect calls will be accepted for households outside the local calling area), and, if possible, the name of the person to contact for additional information. In cases where

the State agency has elected to use a notice of denial when a delay was caused by the household's failure to take action to complete the application process, as provided in § 273.2(h)(2), the notice of denial shall also explain: The action that the household must take to reactivate the application; that the case will be reopened without a new application if action is taken within 30 days of the date the notice of denial was mailed; and that the household must submit a new application if, at the end of the 30-day period, the household has not taken the needed action and wishes to participate in the program.

(iii) Notice of pending status. If the application is to be held pending because some action by the State is necessary to complete the application process, as specified in § 273.2(h)(2), or the State agency has elected to pend all cases regardless of the reason for delay, the State agency shall provide the household with a written notice which informs the household that its application has not been completed and is being processed. If some action by the household is also needed to complete the application process, the notice shall also explain what action the household must take and that its application will be denied if the household fails to take the required action within 60 days of the date the application was filed.

(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;

§ 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 Chapter 1 describes the Application Process, in pertinent part:

1.2.4 Client Responsibility

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.

1.2.7 Client Notification

The client must be notified in writing of the final decision on his application and the reason for it. Notification must be provided for each Program for which the client applied, but notification for more than one program may be included on one form letter. Under some circumstances, the eligibility system automatically generates notification to the client.

West Virginia Income Maintenance Manual Section 1.4.14.A.2 describes the Interim Contact Report, in pertinent part:

1.4.14.A.2 Interim Contact Report

A contact report must also be made midpoint of certification. However, no interview is required for this report. The Interim Contact Report is automatically mailed to the AG by the eligibility system. The client must complete the Interim Contact Report and return it to the local office.

West Virginia Income Maintenance Manual Section 1.4.19.C.2 describes EBT Card Issuance, in pertinent part:

1.4.19.C.2 EBT Card Issuance

➤ Initial Card Issuance

The EBT card is issued when the first benefit to be issued into an EBT account is approved. It is mailed the day after the approval in the eligibility system. When the card is received the cardholder must call the EBT Helpline to create a PIN and activate the card.

All cards are mailed to the payee following the address hierarchy in the eligibility system, which includes the card(s) for any additional authorized cardholder(s). It is the responsibility of the payee to distribute the cards to any other cardholder(s).

West Virginia Income Maintenance Manual Section 4.4.2.B.7 describes the SNAP Shelter/Utility Deduction, in pertinent part:

4.4.2.B.7 Shelter/Utility Deduction

After all other exclusions, disregards, and deductions have been applied, 50% of the remaining income is compared to the total monthly shelter costs and the appropriate SUA. If the shelter costs/SUA exceed 50% of the remaining income, the amount in excess of 50% is deducted. The deduction cannot exceed the shelter/utility cap found in Appendix B.

EXCEPTION: The cap on the shelter/utility deduction does not apply when the SNAP AG includes an individual who is elderly or disabled, as defined in Section 13.15.

The Worker must allow the expense only if the AG is obligated to pay with the AG's excluded or non-excluded resources. There is no time limit during the certification period for deciding when an AG is no longer allowed a deduction for the bill. The AG is no longer allowed the deduction when the expense is no longer billed or is no longer due. An expense does not have to be paid to be a deduction. In order to receive a shelter deduction, the expense/obligation must be verified at a minimum of application and redetermination, or when the AG reports a change in shelter expense.

NOTE: If all avenues of verification have been exhausted and the individual is unable to provide the agency with this information client attestation with all necessary information is acceptable. This information should be documented in writing with the individual's signature as well as documented in the case record. If an individual fails to submit verification of shelter, the SNAP application or redetermination will be processed without giving a shelter deduction.

West Virginia Income Maintenance Manual Chapter 9 describes Client Notifications, in pertinent part:

9.1 Introduction

The applicant must be notified in writing of the action taken on his application, and the client must be notified in writing, and usually in advance, of any action resulting in a change in benefits. Adverse actions, other than those specified in Section 9.3, require an advance notice period before any action is effective.

In addition to the client notification letter, the Worker must provide the client with calculations showing how eligibility and/or the amount of the benefit were determined. The Worker must also provide the client the opportunity to request a Pre-Hearing Conference and/or a Fair Hearing.

Appendix B contains a listing of Worker-completed notification letters and the corresponding eligibility system notification letters, when available.

9.2.1 DFA-6, Notice Of Information Needed

The DFA-6 may be used during any phase of the eligibility determination process. At the time of application, it is given or mailed to the applicant to notify him of information or verification he must supply to establish eligibility. When the DFA-6 is mailed at the time of application, the client must receive the DFA-6 within five working days of the date of application.

If the client fails to adhere to the requirements detailed on the DFA-6, the application is denied or the deduction disallowed, as appropriate. The client must be notified of the subsequent denial by form DFA-NL-A.

This form also notifies the client that his application will be denied, or a deduction disallowed, if he fails to provide the requested information by the date specified on the form. The Worker determines the date to enter to complete the sentence, "If this information is not made available to this office by ..." as follows.

9.2.1.A Supplemental Nutrition Assistance Program (SNAP)

The date entered in the DFA-6 must be 10 days from the date of issuance.

If information involving an eligibility factor is not provided by the date indicated, and the client has not contacted the Worker to explain the delay, the application is denied using a DFA-NL-A. If eligibility is established, but the client does not provide proof of entitlement to a deduction, the deduction is not allowed, but the assistance group (AG) is approved. The DFA-NL-A is used for notification of approval.

Federal regulations require that the DFA-6 be given to the client no later than 30 days after the date of application. He must also be allowed 10 days to respond to the DFA-6. The Worker must issue benefits retroactive to the date of application if the client supplies the needed information within the 30-day time limit.

The section following the Worker's signature must be completed for SNAP AGs only. The Worker enters the date that is 60 days from the date of application. When the AG is denied for failure to provide information required to determine eligibility and subsequently provides the requested information within 60 days of the original application, a new DFA-2, Application for Benefits, is not required. If the information is not provided by the date requested, a DFA-NL-A must be sent for denial of eligibility.

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.

West Virginia Income Maintenance Manual Chapter 10 describes the Case Maintenance Process, and Section 10.2.1.B describes AG Closures, in pertinent part:

10.2.1.B.2 Closure Due to Loss of Contact

Loss of contact occurs when the client moves and does not notify the DOHS. The Worker may become aware of this when a Medical ID card, or other correspondence is returned. The Federal Data Hub (FDH) may also indicate a client's updated address.

The Worker must first check the address in the eligibility system. If it is incorrect due to a data entry error, the Worker must correct it and release the benefit(s) to the correct address. For Supplemental Security Income (SSI) Medicaid recipients, the Worker must check State On-Line Query (SOLQ).

If the address is correct and/or the United States Postal Service (USPS) indicated a new address on the returned correspondence, the Worker sends a DFA-6 to the client's new address. If the DFA-6 is returned as undeliverable, or if the client does not report his new address by the date indicated on the form, the AG is closed, after advance notice. If the USPS indicates no new address on the returned correspondence, the AG is closed, after advance notice.

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.

West Virginia Income Maintenance Manual Section 10.3.2 describes EBT Cards Received In The Local Office, in pertinent part:

10.3.2 EBT Cards Received In The Local Office

The local office may receive an EBT card from any number of sources, including the client, the United States Postal Service (USPS), or other individuals. Regardless of the manner in which the card is received, it must be handled as a negotiable and secured by the Financial Clerk. The local office must not retain an EBT card for a client to claim unless he receives his mail at the office. When a replacement card is required, the Worker can request it through the eligibility system, or the client can request it by using the EBT Helpline. The following procedures are used for EBT cards received in the local office.

10.3.2.A Client Receives Mail in the Local Office

When a client receives his EBT card by mail in the local office, it must be secured by the Financial Clerk and entered on the negotiable log. The client must sign for the card when claimed. If not claimed within five calendar days, the Financial Clerk notifies the Worker. If not claimed in 30 calendar days, the Financial Clerk must contact the Office of EBT (WV EBT) by email with the card name, number, and an explanation of how it was received in order to have the card deactivated. The card is then destroyed, the action is noted on the negotiable log, and the Worker is notified.

West Virginia Income Maintenance Manual Section 10.3.3 describes Benefit Level Expungement, in pertinent part:

10.3.3 Benefit Level Expungement

“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.

10.3.3.A Notification of SNAP Expungement - 229 Days from the Date of Issuance

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.

10.3.3.C SNAP Expungement – 274 Days from the Date of Issuance

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.

274 Days of Non-Use Benefit Example: An account reaches 274 days of non-use from the date of issuance and the account balance is comprised of two benefits as follows:

- Benefit A has been available for 274 days.
- Benefit B has been available for 229 days.

Benefit A will be expunged immediately, and Benefit B will be expunged 45 days later. The benefit expungement process will continue as the benefit month reaches 274 days from the date of issuance. Aging will continue to move the account toward expungement even on a manually re-opened and active account, until the benefit month reaches 274 days from the date of issuance.

The benefit(s) are based on age and drawdown priority which is affected by the date the benefit was issued.

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.

West Virginia Income Maintenance Manual Section 10.4.2.D describes How to Process and Interim Contact Report (PRC-2), in pertinent part:

All SNAP AGs certified for 12 or 24 months must have a PRC-2 completed in the mid-month of eligibility (the sixth month for 12-month certification periods, the twelfth month for 24-month certification periods). SNAP must not continue into the 7th/13th month of

certification if a (PRC-2) is not submitted. If the PRC-2 is returned late in the 7th/13th month, the worker can process the interim contact form and benefits will be prorated.

DISCUSSION

The Appellant appeals the determination by the Respondent that his unused Supplemental Nutrition Assistance Program (SNAP) benefits would be removed from his Electronic Benefit Transfer (EBT) account because he had not used them for 274 days (9 months) from the date of issuance. The Respondent bears the burden of proof and must show that policy was followed in the expungement of the benefits.

The Appellant applied for SNAP benefits on June 18, 2025. When the Appellant filled out the SNAP application, he listed an incorrect ZIP code of [REDACTED] for his address at [REDACTED]. The Respondent's representative, Kristyne Hoskins (hereinafter Ms. Hoskins), presented documentation which showed that notices were mailed to the Appellant on September 18, 2025, September 24, 2025, October 17, 2025, and May 7, 2026, at the address which he reported on his application. Pursuant to policy, it is the client's responsibility to provide complete and accurate information about his circumstances, including his correct address.

The Appellant argues that the Respondent should have attempted to contact him by phone when he did not respond to notices. Pursuant to policy, the Respondent is required to communicate certain information to clients in writing, and written notices are sent by mail. The Respondent is not required to call an applicant when they do not return requested verifications.

Ms. Hoskins testified that none of the mailed notices sent to the Appellant were returned by the postal service. The policy documents procedures for how to attempt to contact clients when loss of contact occurs, and states that a worker may become aware of loss of contact when correspondence is returned. The preponderance of the evidence showed that, because no mail was returned to the Respondent, the Respondent was unaware that the Appellant did not receive the notices. The Appellant did not present any evidence that he attempted to notify the Respondent of his correct address.

An initial EBT card was issued and mailed to the Appellant on September 18, 2025. The Appellant testified that he never received the initial EBT card. Because the Appellant provided an incorrect address, he did not receive the card. The Appellant requested a replacement EBT card, which was ordered on May 13, 2026. The Appellant did not receive the replacement EBT card, because the Appellant did not notify the Respondent that his address of record was incorrect.

Although the Appellant applied for SNAP on June 18, 2025, the Respondent's case comments show that the application was pending until September 17, 2025. On that date, one of the Respondent's workers discovered that a shelter verification was missing, but a notice requesting that information in writing had not been mailed. On September 18, 2025, the Respondent mailed a Notice of Information Needed (DFA-6) request for verification of shelter expenses to the Appellant's address of record.

The Respondent's case comments also indicate that on September 17, 2025, since the Appellant's SNAP application had been pending for the shelter verification since June 18, 2025, the worker determined that the SNAP benefits should be issued from the date of application until September. Federal regulations require that the request for verification be given to the client no later than 30 days after the date of application. He must also be allowed 10 days to respond to the notice. Pursuant to policy, if an individual fails to submit verification of shelter, the SNAP application or redetermination will be processed without giving a shelter deduction.

The preponderance of the evidence showed that the Respondent delayed in mailing the shelter verification to the Appellant more than 30 days after the date of application. The Respondent did not present any reason for the delay. Because the Appellant did not return the requested shelter verification by the due date, his SNAP benefits were processed without giving a shelter deduction. Although the Respondent erred by not determining eligibility within 30 days of the date of application, when the error was discovered, all necessary notices were sent out. The evidence showed that the Respondent issued SNAP benefits without a shelter deduction, for benefit months June, July, August, and September 2025, on or about September 18, 2025.

On September 24, 2025, the Respondent's case comments show that a shelf interim contact report (PRC-2) was mailed to the Appellant's address of record. The comments state that the contact report was due in October for SNAP benefits to continue in November. The Respondent did not present a copy of the PRC-2 or any evidence as to the exact due date of the report.

Pursuant to policy, all SNAP households certified for 12 or 24 months must have a PRC-2 completed in the mid-month of eligibility (the sixth month for 12-month certification periods, the twelfth month for 24-month certification periods). SNAP must not continue into the 7th/13th month of certification if a PRC-2 is not submitted. If the PRC-2 is returned late in the 7th/13th month, the worker can process the interim contact form and benefits will be prorated.

The evidence showed that the Appellant's SNAP benefits began in June 2025, and the sixth month of the certification period was November 2025. If the Appellant did not return the interim contact report in November, then his SNAP benefits should have been closed after November 31, 2025, so as not to continue into the 7th month of certification (December 2025).

On October 17, 2025, a notice was mailed to the Appellant's address of record that his SNAP benefits would close after October 31, 2025, because he failed to comply with reporting requirements. The preponderance of the evidence showed that this was incorrect. The Appellant was not required to return an interim contact report until the sixth month, November 2025.

On May 7, 2026, the Respondent issued a notice to the Appellant at his address of record that he had benefits in his SNAP Electronic Benefit Transfer (EBT) account that had not been used for 229 days from the date they were issued. The Appellant testified that he received this notice despite it being mailed to the same incorrect address listed on earlier notices he claimed to never have received. Based on the evidence presented, this notice was regarding the SNAP benefits issued on September 18, 2025. The record is not clear as to the amount of benefits in the EBT account at that time. Federal regulations provide that, 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.

The Appellant testified that he called the Respondent to ask why he was receiving the notice and told the Respondent's worker that he was unaware that he had received SNAP benefits. The worker explained to the Appellant that he had received SNAP benefits, which ended on October 31, 2025, and he must use the benefits or they would be removed. During this call, the Appellant requested an EBT card. The Appellant called the Respondent again on May 28, 2026, to check on the status of his EBT card and was told it had been mailed.

On June 4, 2026, the Appellant called the Respondent again to ask about his EBT card. On Friday, June 5, 2026, the Appellant called the Respondent's customer service center and told the worker that he had spoken with a worker at the local office, who advised him to have another card ordered and sent to the [REDACTED] County local office on his behalf. Pursuant to policy, a client can receive his EBT card by mail in the local office. Ms. Hoskins testified that it is common for the Respondent's workers to suggest this when there are mailing problems, to ensure that the EBT card is received by the client.

The Respondent's case comments on June 5, 2026, indicate that the customer service call center worker updated the Appellant's mailing address to the local office address and entered a note "will order new card on [M]onday." However, the card was not ordered on Monday. On the following Wednesday, June 10, 2026, the Appellant called again to check on the card, and a different worker discovered that the address of the local office had been entered incorrectly, and updated it again. That worker updated the Appellant's address incorrectly, to [REDACTED]. The record is not clear on what date the EBT card was received in the local office.

There was a delay between the time the Appellant requested his replacement EBT card be mailed to the local office and when it was actually ordered. The Appellant requested the EBT card be ordered on June 5, but it was not ordered until June 11. Policy states that, any time a new card is requested, the original card is deactivated. All EBT cards are mailed the next business day, excluding federal holidays, and should be received five to seven days from the date requested.

The Appellant argues that the Respondent's delay in ordering his replacement EBT card prevented him from being able to use all of his benefits. The Respondent did not present any reason for the delay or for the errors in entering the address of the local office incorrectly on June 5, 2026, and on June 11, 2026. If the Respondent had ordered the EBT card as requested on Friday, June 5, 2026, and it was mailed the next business day, Monday, June 8, 2026, then the Appellant would have received it five to seven days later, which would have been on or about Friday, June 12 or Monday, June 15, 2026. However, testimony of the Appellant established that he did not receive the EBT card until sometime between July 9 and July 13, 2026.

Federal regulations provide that 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. Pursuant to policy, SNAP benefits are expunged according to the "aging process," which 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 benefit(s) are based on age and drawdown priority which is affected by the date the benefit was issued.

The preponderance of the evidence showed that the Respondent expunged the Appellant's SNAP benefits issued on September 18, 2025, which included benefit issuances for June, July, August, and September 2025, on June 23, 2026, which was 278 days later. The record is not clear as to the exact amount of SNAP benefits that were expunged. However, the SNAP benefits issued on September 18, 2025, were expunged before the Appellant received his EBT card.

On July 9, 2026, the Respondent mailed notice to the Appellant again at the incorrect local office address that SNAP benefits in his EBT account were removed. Based on the evidence presented, this expungement was of SNAP benefits issued about mid-October 2025. The record is not clear as to the total amount of SNAP benefits which were expunged. The Appellant testified that he was able to use the EBT card to buy food until sometime between July 23, 2026, and July 31, 2026. Prior to the Appellant being able to use his remaining \$44.50 in EBT benefits, they were expunged.

CONCLUSIONS OF LAW

- 1) When applying for the Supplemental Nutrition Assistance Program (SNAP), it is the client's responsibility to provide complete and accurate information about his circumstances. Because the Appellant did not provide his correct address to the Respondent, and no mail was returned, the Respondent was correct to send written notices to the Appellant to the address on file.
- 2) The Respondent mailed a notice to the Appellant on September 18, 2025, requesting that he verify his shelter expenses, which was not returned, and his SNAP application was properly processed without giving a shelter deduction.
- 3) Because the Respondent delayed in requesting the shelter verification from the Appellant, the Respondent issued the Appellant SNAP benefits for June, July, August, and September, on or about September 18, 2025.
- 4) When benefits are issued, an EBT card is mailed to the client's address in the eligibility system, and an EBT card was sent to the Appellant's address of record on or about September 18, 2025, but he did not receive it.
- 5) An interim contact report is due at the midpoint of certification, which was November 2025 for the Appellant. The Respondent's decision to request the report in October 2025 and close the SNAP benefits after October 31, 2025, erroneously closed the Appellant's SNAP benefits for November 2025.
- 6) Although the Respondent satisfied notice requirements by sending a May 7, 2026 notice letter prior to expunging benefits on June 23, 2026, the department erred in ordering the replacement EBT card leading to the Appellant's inability to access his SNAP benefits before the expungement occurred.

- 7) A client may request a replacement EBT card to be sent to the local office, but the Respondent delayed in ordering the second replacement EBT card and erred in the entry of the local office address, which caused the Appellant to receive the EBT card after the SNAP benefits issued on September 18, 2025, had already been expunged. These benefits must be restored.
- 8) SNAP benefits are expunged from the EBT account according to an aging process, and the Appellant's SNAP benefits issued about mid-October 2025, were expunged about mid-July 2026, after the Appellant received the second replacement EBT card and was able to use it to purchase food. The remaining \$44.50 was correctly expunged from the EBT account.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the actions of the Respondent in expunging the unused SNAP benefits issued on September 18, 2025, which included benefits for June, July, August, and September 2025, from the Appellant's EBT account before he received his EBT card. Any benefits expunged shall be restored. The actions of the Respondent in expunging the SNAP benefits issued about mid-October are **UPHELD**. Further, the case is **REMANDED** to determine and issue the amount of SNAP benefits which should have been issued to the Appellant in November 2025. Any actions taken by the Respondent are subject to fair hearing rights.

ENTERED this 12th day of August 2026.

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