WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted]

Appellant,

v. **Action Number: 26-BOR-2786 SNAP**
26-BOR-2787 MED

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 October 7, 2026, on an appeal filed with the Board of Review on September 16, 2026.

The matter before the Hearing Officer arises from the September 17, 2026, decision by the Respondent to prorate September 2026 Supplemental Nutrition Assistance Program (SNAP) benefits and the Respondent's failure to add Children's Medicaid benefits to his case.

At the hearing, the Respondent appeared by Michael Tetreault, [redacted] County 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 Hearing Request Notification Form
D-2 Hearing Request received September 16, 2026
D-3 Case Comments dated September 15, 2026
D-4 Assistance Group Review Date Screen Print
D-5 Case Comment dated August 10, 2026
D-6 Notice of Missed Appointment dated August 11, 2026
D-7 SNAP Termination Notice dated August 19, 2026
D-8 SNAP Review Form (CSLE) received September 14, 2026
D-9 West Virginia Income Maintenance Manual §1.4.18.D
D-10 Case Comments dated September 16, 2026

D-11 SNAP Approval Notice dated September 17, 2026
D-12 Case Summary Screen Print
D-13 Individual Eligibility History
D-14 Hearing Summary
D-15 Family Court of [redacted] County, West Virginia Final Order dated February 10, 2026

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 received SNAP benefits for a two-person assistance group.

2) On July 13, 2026, the Respondent sent the Appellant a SNAP review form to be completed and returned by August 1, 2026 (Exhibit D-8).

3) A telephone interview was scheduled for the Appellant for August 10, 2026 (Exhibit D-8).

4) On August 10, 2026, the Respondent's caseworker noted in case comments that the SNAP review had not been returned by the Appellant therefore the telephone interview could not be completed (Exhibit D-5).

5) The Respondent sent a notice to the Appellant on August 11, 2026, advising him of the missed appointment and his responsibility to contact the Respondent to reschedule (Exhibit D-6).

6) On August 19, 2026, the Respondent sent a notice to the Appellant advising that he would no longer receive SNAP benefits after August 31, 2026, for failure to complete an eligibility review (Exhibit D-7).

7) The Appellant completed the SNAP eligibility review and interview at the [redacted] County office on September 14, 2026 (Exhibits D-8 and D-10).

8) The Appellant questioned the Respondent about his son's Children's Medicaid benefits being removed from his case and added to his mother's case (Exhibit D-10).

9) The Respondent contended child [redacted] had always received Medicaid in his mother's case and refused to add the benefit to the Appellant's case (Exhibits D-10, D-11 and D-12).

10) Prorated SNAP benefits of $290 were approved for September 2026 and $538 for October 2026 and ongoing (Exhibits D-10 and D-11).

11) The Appellant contested the prorated SNAP benefit for September 2026 and the failure to add [redacted] Medicaid benefits to his case.

APPLICABLE POLICY

Code of Federal Regulations – Title 7 §273.10 explains eligibility determination and benefit levels:

(a) ***Month of application*** —
(1) ***Determination of eligibility and benefit levels.***
(i) A household's eligibility shall be determined for the month of application by considering the household's circumstances for the entire month of application. Most households will have the eligibility determination based on circumstances for the entire calendar month in which the household filed its application.
(ii) A household's benefit level for the initial months of certification shall be based on the day of the month it applies for benefits and the household shall receive benefits from the date of application to the end of the month unless the applicant household consists of residents of a public institution. As used in this section, the term "initial month" means the first month for which the household is certified for participation in SNAP following any period during which the household was not certified for participation, except for migrant and seasonal farmworker households. Recertification shall be processed in accordance with §273.10(a)(2). The State agency shall prorate a household's benefits according to one of the following two options:
(A) The State agency shall use a standard 30-day calendar or fiscal month. A household applying on the 31st of a month will be treated as though it applied on the 30th of the month.
(B) The State agency shall prorate benefits over the exact length of a particular calendar or fiscal month.
(iii) To determine the amount of the prorated allotment, the State agency shall use either the appropriate Food Stamp Allotment Proration Table provided by FNS.
If after using the appropriate formula the result ends in 1 through 99 cents, the State agency shall round the product down to the nearest lower whole dollar. If the computation results in an allotment of less than $10, then no issuance shall be made for the initial month.
(2) ***Application for recertification.*** Eligibility for recertification shall be determined based on circumstances anticipated for the certification period starting the month following the expiration of the current certification period. 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. In addition, if the household submits an application for recertification prior to the end of its certification period but is found ineligible for the first month following

the end of the certification period, then the first month of any subsequent participation shall be considered an initial month.

Code of Federal Regulations – Title 7 §273.10 explains the redetermination process:

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.

(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;

(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 §273.2I(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 §273.2I(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 I(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 §273.2I 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 §273.2I(2).

(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.

Timely application for recertification.

(1) Households reporting required changes in circumstances that are certified for one month or certified in the second month of a two-month certification period shall have 15 days from the date the NOE is received to file a timely application for recertification.

(2) Other households reporting required changes in circumstances that submit applications by the 15th day of the last month of the certification period shall be considered to have made a timely application for recertification.

(3) For monthly reporting households, the filing deadline shall be either the 15th of the last month of the certification period or the normal date for filing a monthly report, at the State agency's option. The option chosen must be uniformly applied to the State agency's entire monthly reporting caseload.

(4) For households consisting only of SSI applicants or recipients who apply for SNAP recertification at SSA offices in accordance with §273.2(k)(1), an application shall be considered filed for normal processing purposes when the signed application is received by the SSA.

Delayed processing.

(1) If an eligible household files an application before the end of the certification period but the recertification process cannot be completed within 30 days after the date of application because of State agency fault, the State agency must continue to process the case and provide a full month's allotment for the first month of the new certification period. The State agency shall determine cause for any delay in processing a recertification application in accordance with the provisions of § 273.3(h)(1).

(2) If a household files an application before the end of the certification period, but fails to take a required action, the State agency may deny the case at that time, at the end of the certification period, or at the end of 30 days. Notwithstanding the State's right to issue a denial prior to the end of the certification period, the household has 30 days after the end of the certification period to complete the process and have its application be treated as an application for recertification. If the household takes the required action before the

end of the certification period, the State agency must reopen the case and provide a full month's benefits for the initial month of the new certification period. If the household takes the required action after the end of the certification period but within 30 days after the end of the certification period, the State agency shall reopen the case and provide benefits retroactive to the date the household takes the required action. The State agency shall determine cause for any delay in processing a recertification application in accordance with the provisions of §273.3(h)(1).

(3) 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). If a household's application for recertification is delayed beyond the first of the month of what would have been its new certification period through the fault of the State agency, the household's benefits for the new certification period shall be prorated based on the date of the new application, and the State agency shall provide restored benefits to the household back to the date the household's certification period should have begun had the State agency not erred and the household been able to apply timely.

West Virginia Income Maintenance Manual Chapter 1 explains the redetermination process:

1.4.18.A Redetermination Forms

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.C Redetermination Interview

An interview is required regardless of the method by which the redetermination is completed.

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 assistance group (AG) closure if the redetermination is not completed. When the client does not submit a redetermination form, he is only notified of AG closure. All SNAP AGs must receive notice of expiration of the certification period.

1.4.18.D.1 Aligning Review Dates

If the CSLE/CSLR is not completed and returned by the end of the certification period, benefits are stopped. Notice of closure is required, but advance notice is not required. If the CSLE is returned in the month after the end of the certification period, no DFA-2 or DFA-SNAP-1 is required for reapplication. The CSLE/CSLR is used as the application form, and benefits are prorated from the date the application is received in that month. If the CSLE/CSLR is used as an application form, an interview is required.

When an AG submits a completed CSLE/CSLR or WV PATH redetermination prior to the scheduled interview date, the Worker must contact the AG at the scheduled time to conduct the telephone interview. The Worker must make a reasonable attempt to contact the AG to conduct the telephone interview. If an AG does not answer the Worker's call, the Worker must document in case comments the reasonable attempt(s) made prior to a determination that the appointment was missed. The AG is notified of the missed interview, and it is the AG's responsibility to reschedule. The notice of missed interview is included in the notice of closure and/or denial. When an AG submits a completed CSLE/CSLR or WV PATH redetermination after the originally scheduled interview date, the Worker must schedule another interview appointment. The interview appointment must be scheduled using current system procedures allowing time to provide notice to the client and to conduct the interview.

1.4.18.E Completion

A SNAP redetermination is a reapplication for benefits. Under no circumstances are benefits continued past the month of redetermination, unless a redetermination is completed, and the client is found eligible. If the recipient is no longer eligible, the SNAP AG is closed.

1.4.18.E.1 Benefit Issuance at Redetermination

Clients who submit their redetermination form in a timely manner, complete the interview and provide requested verification within the agency time limits, must receive uninterrupted benefits or have lost benefits restored if the Agency's delay causes benefits to be interrupted. The client does not lose the right to uninterrupted benefits if the time limits established for verification extends into the new certification period. Clients who fail to submit their redetermination form timely, fail to complete an interview or fail to submit missing verification by the established deadline lose the right to uninterrupted benefits. Uninterrupted benefits are benefits received within 30 days of the last issuance. For longer certifications, uninterrupted benefits are benefits received at the usual time in the issuance cycle.

1.4.19.A Initial Benefit Amount

A determination of the initial SNAP benefit month must be made to determine if initial benefits must be prorated. Any month determined to be an initial month must have benefits prorated. The amount of the initial allotment is prorated over the remainder of the month from the date of application. The full month's countable income is used to determine the full month's allotment. The amount of the initial benefit due the recipient is based on the number of days left in the approval month from the date of application as compared to the full month's benefit. Use Chapter 4, Appendix D.

West Virginia Income Maintenance Manual Chapter 3 explains eligibility determination groups:

3.7.3 The Modified Adjusted Gross Income (MAGI) Household Needs Group

The needs group is the number of individuals included in the MAGI household size based upon the MAGI rules for counting household members. To determine the MAGI

household size, the following step-by-step methodology is used for each applicant. For purposes of applying the MAGI methodology:

- Child means natural, adopted, or stepchild;
- Parent means natural, adopted, or stepparent;
- Sibling means natural, adopted, half, or stepsibling.

In the case of married couples who reside together, each spouse must be included in the MAGI household of the other spouse, regardless of whether they expect to file a joint tax return or whether one spouse expects to be claimed as a tax dependent by the other spouse. The MAGI household of the pregnant woman also includes her unborn child(ren).

This methodology must be applied to each applicant in the MAGI household separately:
STEP 1: IS THE APPLICANT A TAX FILER (and will NOT be claimed as a tax dependent)? IF NO: Move to STEP 2.
IF YES: The applicant's MAGI household includes themselves, each individual he expects to claim as a tax dependent, and his spouse if residing with the tax filer. This is known as the tax filer rule.
STEP 2: IS THE APPLICANT CLAIMED AS A TAX DEPENDENT ON SOMEONE ELSE'S TAXES? IF NO: Move to STEP 3.
IF YES: Test against the three exceptions below. If the answer to any of these exceptions is 'yes', then the applicant's MAGI household size must be calculated using STEP 3.

- 1. The applicant is claimed as a dependent by someone other than a spouse or parent.
- 2. The applicant is a child under 19 who lives with both parents, but both parents do not expect to file taxes jointly.
- 3. The applicant is a child under 19 who is claimed as a tax dependent to a non-custodial parent(s).

If none of these exceptions are true, then the applicant's Medicaid household consists of the applicant, the tax filer claiming him as a dependent, this could be two people filing jointly, any other dependents in the tax filer's household, and the applicant's spouse if they reside together. This is known as the tax dependent rule.

NOTE: For the purpose of this exception, the custodial parent is established based on physical custody specified in a court order or binding separation, divorce, or custody agreement. If there is no such order or agreement or it is unavailable, or in the event of a shared custody agreement, the custodial parent is the one with whom the applicant spends most nights.

STEP 3: IF THE APPLICANT IS NOT A TAX FILER, IS NOT CLAIMED AS A TAX DEPENDENT OR MEETS ONE OF THE EXCEPTIONS IN STEP 2: The Medicaid household consists of the applicant and the following individuals as long as they reside with the applicant:

- The applicant's spouse;
- The applicant's child(ren) under age 19;
- For applicants under 19, their parents, and their siblings who are also under 19. This is known as the non-filer rule.

STEP 4: CASES WHERE APPLICANT CANNOT REASONABLY ESTABLISH TAX DEPENDENT STATUS If an applicant/tax filer cannot reasonably establish that reported household members will be tax dependents of the applicant for the tax year in which Medicaid is sought, the inclusion of such individual in the MAGI household of the tax filer is determined using rules in STEP 3.

DISCUSSION

Pursuant to policy and federal regulations, a SNAP redetermination is considered a reapplication for benefits. Under no circumstances are benefits continued past the month of redetermination, unless a redetermination is completed, and the client is found eligible.

The Appellant was mailed a SNAP review form on July 13, 2026, to be completed and returned by August 1, 2026, with a telephone interview scheduled for August 10, 2026. When the SNAP review was not returned by August 10, 2026, a notice was sent to the Appellant advising that he must contact the Respondent to reschedule. A notice of termination was sent to the Appellant on August 19, 2026, when the eligibility review had not been completed. The Appellant's SNAP benefits closed effective September 1, 2026, for failure to complete a redetermination.

The Appellant completed the SNAP review and interview on September 14, 2026. SNAP benefits were prorated for September 2026 from the date the review was completed. The Appellant contended that he called the Respondent's Customer Service division on September 8, 2026, when he did not receive his SNAP benefits, and multiple times thereafter, but claimed no one returned his phone calls.

Policy and federal regulations stipulate that if a SNAP review form is not completed and returned by the end of the certification period, benefits are stopped. If the review form is returned in the month after the end of the certification period, a new application form is not required for reapplication and benefits are prorated from the date the application is received in that month.

The Appellant failed to submit the SNAP review form prior to the end of his certification period and SNAP benefits were closed. The Appellant reapplied for SNAP benefits on September 14, 2026, and the Respondent correctly prorated September 2026 benefits from the date of the SNAP reapplication.

In February 2026, a final custody order was issued regarding the Appellant's son, [redacted] The Appellant has [redacted] Monday through Friday each week, and his mother has [redacted] on Saturdays and Sundays. For the purposes of state and federal law requiring designation of custody, the Appellant will be designated as [redacted] legal custodian in odd years and may claim [redacted] as a tax dependent. [redacted] mother was granted legal custody and may claim [redacted] as a tax dependent in even years (Exhibit D-15).

The Appellant submitted a SNAP and Medicaid application online on March 30, 2026, and included a copy of the custody agreement. The Appellant's SNAP benefits were approved for himself and [redacted], however the Medicaid application was denied. The Respondent's witness,

Michael Tetreault, testified that there were no case comments regarding the March 30, 2026, Medicaid application and could only confirm that [redacted] continued to receive Medicaid benefits in his mother's case.

The Appellant testified that when he completed the September 14, 2026, SNAP reapplication, he inquired about adding [redacted] Medicaid to his case and provided another copy of the custody agreement. The Appellant contended that the Respondent refused to add [redacted] Medicaid to his case, advising him that benefits for children in shared custody cases are "first come, first serve" and since [redacted] mother was "first" in receiving his Medicaid, it would remain in her case.

Policy states that if the Medicaid applicant files a federal income tax return, the needs group includes the applicant, his/her spouse and anyone claimed as a dependent on the federal tax return, unless the child meets one of the exceptions listed. According to the custody agreement, the Appellant is considered the legal guardian of [redacted] during odd years, therefore [redacted] mother is his legal guardian and will claim him as a tax dependent for 2026. [redacted] meets exception number two, he is a child under age 19 and is claimed as a tax dependent (for 2026) by the non-custodial parent. Policy clarified the custodial parent as the parent with whom the child spends most nights. Based on this definition, the Appellant is the custodial parent as he has [redacted] five nights a week. Based on the steps listed in policy, the Appellant, as the custodial parent, may receive Medicaid in his case for [redacted]

Whereas the Appellant failed to complete his SNAP redetermination prior to the end of his certification period, the Respondent correctly prorated the Appellant's September 2026 SNAP benefits from the date of reapplication.

Whereas the Appellant is the custodial parent of [redacted] and he will be claimed as a tax dependent in 2026 by the non-custodial parent, the Appellant is entitled to receive Medicaid on [redacted] behalf in his case.

CONCLUSIONS OF LAW

1) If a SNAP review form is not completed and returned by the end of the certification period, benefits are stopped.

2) If the review form is returned in the month after the end of the certification period, a new application form is not required for reapplication and benefits are prorated from the date the application is received in that month.

3) The Appellant's SNAP benefits were terminated effective September 1, 2026, for failure to complete an eligibility review.

4) The Appellant reapplied for SNAP benefits on September 14, 2026.

5) SNAP benefits were correctly prorated from the date of reapplication.

6) The Appellant is considered the custodial parent of [redacted] and his non-custodial parent will claim him as a tax dependent.

7) The Respondent erred in failing to add [redacted] Medicaid benefits to the Appellant's case.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to prorate the Appellant's September 2026 Supplemental Nutrition Assistance Program benefits and **reverse** the Respondent's failure to add [redacted] Medicaid to the Appellant's case.

ENTERED this 19th day of October 2026.

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Kristi Logan
Certified State Hearing Officer