



April 4, 2024

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA  
ACTION NO.: 24-BOR-1345

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,

Tara B. Thompson, MLS  
State Hearing Officer  
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision  
Form IG-BR-29

cc: Stacy Kasproicz, [REDACTED] DoHS

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

██████████,

**Appellant,**

v.

**Action Number: 24-BOR-1345**

**WEST VIRGINIA DEPARTMENT OF  
HUMAN SERVICES  
BUREAU FOR FAMILY ASSISTANCE,**

**Respondent.**

**DECISION OF STATE HEARING OFFICER**

**INTRODUCTION**

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the Office of Inspector General Common Chapters Manual. This fair hearing was convened on March 27, 2024.

The matter before the Hearing Officer arises from the Respondent's January 19, 2024 decision to terminate the Appellant's Supplemental Nutrition Assistance Program benefits.

At the hearing, the Respondent appeared by Stacy Kasprowicz, ██████████ DoHS. The Appellant appeared and represented herself. All witnesses were placed under oath. No exhibits were submitted for the record.

**Department's Exhibits:**

NONE

**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 Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) The Appellant's address of record is [REDACTED]
- 3) On December 18, 2023, the Respondent issued a notice advising the Appellant of her responsibility to complete and return the PRC-2 form.
  - 1) On January 19, 2024, the Respondent issued a combined notice of missing report and adverse action to the Appellant's address of record. The notice advised the Appellant she would receive her last SNAP benefits in January 2024 because she failed to return her complex periodic report form by the date listed on the form.
  - 2) On January 31, 2024, the Appellant contacted the Respondent and was advised to complete the Interim Contact Form (PRC-2).
  - 3) The Appellant did not complete the PRC-2 form before the February 1, 2024 onset of her SNAP ineligibility.

## APPLICABLE POLICY

**West Virginia Income Maintenance Manual (WVIMM) § 1.2.4 *Client Responsibilities* provides in relevant parts:** The client has the responsibility to report information about their circumstances so that the worker can make a correct determination about their eligibility.

**WVIMM § 1.4.1.D *Failure to Submit a Complete Interim Contact Report PRC-2* provides in relevant sections:** When a SNAP AG is closed for failure to submit a complete Interim Contact Report (PRC-2), a new application is not needed if the PRC-2 is returned by the last day of the month in which it is due.

**WVIMM § 10.4.2.D *Interim Contact Reports (PRC-2)* provides in relevant sections:** All SNAP AGs certified for 12 or 24 months must have a report 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 7<sup>th</sup>/13<sup>th</sup> month of certification if a complete Interim Contact Report (PRC-2) is not submitted. If the PRC-2 is returned late in the 7<sup>th</sup>/13<sup>th</sup> month, the AG must reapply for SNAP.

The eligibility system automatically mails an Interim Contact Report form (PRC-2) to the AGs for the mid-month of eligibility. Failure to return the completed PRC-2 results in case closure.

**Code of Federal Regulations 7 CFR § 273.2(d)(1) *Household Cooperation* provides in relevant sections:**

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. If the household refuses to cooperate with the State agency in completing this process, the application shall be denied at the time of refusal. For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take actions that it can take and that are required to complete the application process.... The household shall also be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility ... Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until it cooperates with the State agency. The State agency shall not determine the household to be ineligible when a person outside of the household fails to cooperate with a request for verification ....

**Code of Federal Regulations 7 CFR § 273.2(e)(1) *Interviews* provides in relevant sections:**

Except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have face-to-face interviews with an eligibility worker at initial certification and at least once every 12 months thereafter.

**Code of Federal Regulations 7 CFR § 273.12 *Reporting Requirements* provides in relevant sections:**

(a) *Household Responsibility to report.*

(4)(iii) *Failure to file a complete form by the specified filing date.* If a household fails to file a complete report by the specified filing date, the State agency will send a notice to the household advising it of the missing or incomplete report ... If the household does not respond to the notice, the household's participation shall be terminated. The State agency may combine the notice of missing or incomplete report with the adequate notice of termination described in paragraph (a)(4)(v) of this section.

**Code of Federal Regulations 7 CFR § 273.12(a)(4)(v) *Reduction or termination of benefits and § 271.2 Definitions* provides in relevant sections:** When reducing or terminating benefits, the agency must send an adequate written notice that includes:

... a statement of the action the agency has taken or intends to take; the reason for the intended action; the household's right to request a fair hearing; the name of the person to contact for additional information; the availability of continued benefits; and the liability of the household for any over issuances received while awaiting a fair hearing if the hearing official's decision is adverse to the household ... In all cases, however, participants will be allowed ten days from the mailing date of the

notice to contest the agency action and to have benefits restored to their previous level. If the 10-day period ends on a weekend or a holiday and a request is received the day after the weekend or holiday, the State agency shall consider the request to be timely.

**Code of Federal Regulations 7 CFR § 273.13 Notice of adverse action provides in relevant sections:**

- (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.

**WVIMM § 9.3.1.A Adverse Actions Requiring Advance Notice provides in relevant sections:** For SNAP, Assistance Group (AG) closures require advance notice of adverse action.

**WVIMM § 9.3.1.C Beginning and Ending of the Advance Notice Period provides in relevant sections:** The 13-day advance notice period begins with the date shown on the notification letter. It ends after the 13<sup>th</sup> calendar day has elapsed. If the 13-day notice period ends on a weekend or holiday, the action is taken on the first subsequent workday.

**WVIMM § 9.3.1.D Date Adverse Action May Be Taken provides in relevant sections:**

Usually, the worker will take the action in the eligibility system before the 13-day advance notice begins, in order to be effective, the first day of the following month. If the 13-day advance notice period does not expire until the first day of the following month or later, the change is not effective until the month following the end of the 13-day advance notice period.

## **DISCUSSION**

The Respondent terminated the Appellant's SNAP eligibility because she failed to complete an eligibility review. The Appellant argued that she relies on SNAP benefits and disputed the Respondent's termination of SNAP eligibility. The Board of Review is required to follow the controlling policies and regulations and cannot grant SNAP eligibility exceptions beyond the conditions stipulated within the federal regulations and agency policies.

The Respondent bears the burden of proof. To prove that the Respondent correctly terminated the Appellant's SNAP benefits, the Respondent had to demonstrate by a preponderance of the evidence that the Appellant refused to cooperate with a SNAP eligibility review and interview. Federal regulations stipulate that a refusal to cooperate in SNAP eligibility reviews results in the determination of SNAP ineligibility. To constitute a refusal, the household must be able to cooperate but clearly demonstrate that it will not take the actions it could take to complete the required review process.

The Appellant was required to complete her SNAP eligibility review and telephone interview. The Appellant did not dispute that she did not complete the review form by the required date and testified that she did not take the review completion seriously.

The regulations stipulate that if a household fails to file a complete report by the specified filing date, the State agency will send a notice to the household advising it of the missing or incomplete report. Under the regulations, if the household does not respond to that notice, the household's SNAP eligibility will be terminated. The regulations provide that this notice must be provided ten days in advance while the Respondent's policy stipulates that a thirteen-day advance notice is required. The policy permits the Respondent's use of combined notices of adverse action and review forms not received. The policy guidelines instruct that the thirteen-day advance notice period begins with the date shown on the notification letter and ends after the thirteenth calendar day has elapsed. The preponderance of evidence revealed that the Respondent followed the policy when notifying the Appellant of her responsibility to complete the SNAP eligibility review. The Appellant was provided with proper advanced notice of SNAP termination on January 19, 2024.

During the hearing, the Respondent's representative testified that a PRC-2 Form was mailed to the Appellant on December 18, 2023. The submitted information did not specify the date by which the Appellant was required to return the PRC-2 form, however, the evidence demonstrated the Appellant was notified and did not complete a PRC-2 form before the February 2024 onset of SNAP ineligibility.

The Respondent's representative testified that the Appellant did not complete the review form, so, a "10-day no contact notice" was mailed to the Appellant on January 4, 2024. The submitted information did not clarify the contents of that notice. The Respondent testified that there was no response and the January 19, 2024 notice was issued. The Appellant did not contest the receipt of December 18, 2023 and subsequently issued notices.

During the hearing, the Respondent's representative testified that the Appellant contacted the Respondent on January 31, 2024, and was advised of the requirement to complete the review for ongoing SNAP eligibility. The Appellant did not contest that she was verbally advised by the Respondent on January 31, 2024, that her review must be completed to continue SNAP eligibility. The evidence revealed that the Appellant did not complete her review form before the proposed February 1, 2024 onset of adverse action.

During the hearing, the Appellant testified she completed some forms at the local office, during the week of the March 27, 2024 hearing, but could not specify what forms she completed. Even if the forms completed in March 2024 were the review forms, these forms were completed more than a month after the onset of the adverse action and were not relevant to the Respondent's January 19, 2024 decision.

The evidence revealed that the Respondent provided the Appellant with sufficient advanced notice of her responsibility to complete the SNAP eligibility review and that her review was not completed. The preponderance of evidence demonstrated that although she was provided with sufficient advanced notice, the Appellant did not take the actions that are required to complete the SNAP eligibility review process. The Respondent correctly terminated the Appellant's SNAP

benefits because she did not complete her SNAP eligibility review form and interview as required. According to the regulations, households that are denied SNAP eligibility for refusal to cooperate with the review process may reapply.

### **CONCLUSIONS OF LAW**

- 1) A household that refuses to cooperate in a SNAP eligibility review shall be determined ineligible for continued SNAP eligibility.
- 2) For a refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take actions that it can take and that are required to complete the application process.
- 3) The preponderance of evidence demonstrated that the Appellant did not take the actions she could that are required to complete the SNAP eligibility review process.
- 4) Because the Appellant did not complete a SNAP eligibility review and interview, the Respondent correctly terminated his SNAP benefit eligibility.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to terminate the Appellant's SNAP benefits.

**ENTERED this 5<sup>th</sup> day of April 2024.**

---

Tara B. Thompson, MLS  
**State Hearing Officer**