



April 23, 2024

[REDACTED]

RE: [REDACTED] v. DoHS/BFA
ACTION NO.: 24-BOR-1887

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,

Kristi Logan
Certified State Hearing Officer
Member, State Board of Review

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

cc: Damian Elswick, [REDACTED] DoHS

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

████████████████████

Appellant,

v.

Action Number: 24-BOR-1887

**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 April 23, 2024.

The matter before the Hearing Officer arises from the March 19, 2024, decision by the Respondent to terminate the Appellant’s Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Damian Elswick, Economic Service Worker. 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 Summary
- D-2 SNAP Interim Contact Form (PRC-2) mailed on February 20, 2024
- D-3 10-Day Notice for Not Returning Interim Contact Form dated March 5, 2024
- D-4 SNAP Termination Notice dated March 19, 2024
- D-5 SNAP Application dated April 3, 2024
- D-6 Hearing Request received April 3, 2024
- D-7 West Virginia Income Maintenance Manual §10.4.2.D
- D-8 Telephone Appointment Letter dated April 9, 2024

Appellant’s Exhibits:

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) The Appellant was a recipient of SNAP benefits for a one-person assistance group.
- 2) On February 20, 2024, the Respondent mailed the interim contact form (PRC-2) to the Appellant to be completed and returned by March 1, 2024 (Exhibit D-2).
- 3) On March 5, 2024, the Respondent mailed a notice advising the Appellant that she had not returned the interim contact form (Exhibit D-3).
- 4) The Respondent issued a notice on March 19, 2024, advising the Appellant that her SNAP benefits would be terminated on March 31, 2024, for failure to return the interim contact form (Exhibit D-4).
- 5) The Appellant contacted the Respondent on April 1, 2024, regarding the SNAP termination.
- 6) Caseworker Damian Elswick spoke with the Appellant on April 3, 2024, and advised that the completed interim contact form was required to continue receiving SNAP benefits.
- 7) The Appellant reapplied for SNAP benefits through the Respondent's online system on April 3, 2024 (Exhibit D-5).
- 8) A telephone interview was completed with the Appellant on April 19, 2024.
- 9) SNAP benefits were approved, effective April 3, 2024.

APPLICABLE POLICY

Code of Federal Regulations – Title 7 §237.14 explains recertification requirements:

(a) General. No household may participate beyond the expiration of the certification period assigned in accordance with [§ 273.10\(f\)](#) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

(b) Recertification process —
(1) Notice of expiration.

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

(2) **Application.** The State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time of application for recertification. The provisions of [§273.2\(c\)\(7\)](#) regarding acceptable signatures on applications also apply to applications used at recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in [paragraph \(e\)\(3\)](#) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the casefile, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in [§273.2\(b\)\(2\)](#), and provide the household with a notice of required verification as specified in [§273.2\(c\)\(5\)](#).

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

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

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

(c) **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.

(e) ***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.

Code of Federal Regulations – Title 7 §237.10 explains the determination of benefit levels:

(a) ***Month of application*** —

(1) ***Determination of eligibility and benefit levels.***

(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.

West Virginia Income Maintenance Manual Chapter 10 explains the case maintenance process:

10.4.2.D Interim Contact Reports (PRC-2)

All SNAP assistance groups (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 7th/13th month of certification if a complete Interim Contact Report (PRC-2) is not submitted. If the PRC-2 is returned late in the 7th/13th month, the AG must reapply for SNAP. If the PRC-2 is returned late in the 7th/13th month, the worker will NOT update the eligibility system with any information provided on the PRC-2.

The Interim Contact Report (PRC-2) differs from a full-scale redetermination as follows:

- All sections of the Interim Contact Report (PRC-2) must be completed, and the form signed by the AG.
- The PRC-2 cannot be processed if received in the 7th month (for cases certified twelve months) or the 13th month (for cases certified for 24 months). The client MUST reapply.
- The contact report may be completed by mail.
- No interview is conducted unless the client requests one.

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. Changes reported on the PRC-2 are treated as changes reported during the certification period, not as changes reported during the completion of a redetermination. An application form cannot be used in substitution of an Interim Contact Report form (PRC-2) during the report month.

When a SNAP AG is closed for failure to complete the Interim Contact Report (PRC-2), a new application is not required when the form is returned by:

- The last day of the 12th month for households certified for 24 months
- The last day of the 6th month for households certified for 12 months.

If the PRC-2 is not returned, a new application for SNAP must be completed. The PRC-2 can be processed if received by the last day of the 6th/12th month, but if no verification is included the AG MUST be given 10 days to return requested verification.

Proration in the 7th/13th month:

- If the AG reports changes that are needed to determine eligibility and verification is requested on the DFA-6, prorate the benefit from the date the information is returned to the agency. If verification is returned after the last day of the 7th/13th month, SNAP remains closed, and the AG must reapply.
- If the AG reports only expense changes, the benefit will not be prorated. A full month's benefit will be received for the 7th/13th month. The date of the benefit is the date the PRC-2 was initially received by the agency, which will be in the 6th/12th month. When verification of the expense is received prior to confirmation in the eligibility system, the deduction will be allowed. If the expense is NOT verified, the PRC-2 is processed without the deduction. If verification of an expense is received after confirmation in the eligibility system,

the verified expense is considered a reported change. Increases/decreases to SNAP based on a reported change are effective the month following the change report.

West Virginia Income Maintenance Manual Chapter 1 explains certification periods:

1.4.14 Certification Period

The beginning date of eligibility starts the AG's Certification Period. The client's certification period must be the longest possible period but must not exceed 24 months for AGs in which all adult members are elderly or disabled with no earned income or only excluded earned income. All other AGs are certified for 12 months except for applications that qualify for expedited services and verifications have been postponed.

1.4.14.A Certification Periods

Upon determination of eligibility, an AG is assigned one of four certification periods as follows:

- One Month: Expedited Service cases which apply prior to the 16th of the month and do not provide the necessary verifications prior to approval. If verifications are provided within the time limit given, the certification period is extended an additional 11 or 23 months based on the AG's reporting requirements.
- Two Months: AGs eligible for Expedited Service who apply on or after the 16th of the month and have verification postponed. See Section 1.4.19.A.3, Combined Issuance. If verifications are provided within the time limit given, the certification period is extended an additional 10 or 22 months, based on the AG's composition and income.
- 12 Months: All AGs except those described below for 24 months.
- 24 Months: All AGs in which there is no earned income or only excluded earned income and all adult AG members are:
 - At least age 60; and/or
 - Disabled

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.

DISCUSSION

Policy stipulates that SNAP assistance groups that are 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 7th/13th month of certification if a complete interim contact report (PRC-2) is not submitted. If the interim contact form is returned late in the 7th/13th month, the assistance group must reapply for SNAP.

The Respondent issued the interim contact form to the Appellant on February 20, 2024, to be completed and returned by March 1, 2024. The Respondent terminated the Appellant's SNAP benefits effective April 1, 2024, when the interim contact form had not been received. The Appellant reapplied for SNAP benefits on April 3, 2024, and SNAP benefits for April 2024 were prorated from the date of reapplication.

The Appellant contended that she is an SSI recipient, and she should have a 12- or 24-month certification period. The Appellant testified that she applied for SNAP benefits in August 2023, and she should not have been required to complete the interim contact form until August 2024.

The Respondent testified that the Appellant applied for SNAP benefits on March 6, 2023, and confirmed that she is on a 24-month certification period. The interim contact form mailed to the Appellant in February 2024, that was due in March 2024, was sent 12 months from the Appellant's initial SNAP certification. The Respondent stated the Appellant did not apply for SNAP in August 2023, but reported a change in shelter costs when she changed residences.

Policy states that if the interim contact form is not returned by the 12th month of certification, the recipient must reapply for SNAP benefits. The Appellant reapplied for SNAP benefits on April 3, 2024, and benefits were prorated from the date of application. Policy and federal regulations provide that SNAP benefits for the initial month of certification are determined by the day of the month the assistance group applies. The Appellant's SNAP benefits were prorated from the date of reapplication in accordance with policy and federal regulations.

Whereas the Appellant failed to return the completed interim contact form by the 12th month of her SNAP certification period, she was required to reapply for SNAP benefits. The Respondent acted in accordance with policy and regulations by prorating SNAP benefits for April 2024 from the date of application.

CONCLUSIONS OF LAW

- 1) Interim contact forms are mailed to SNAP assistance groups with 12 or 24-month certifications periods during the mid-month of eligibility.
- 2) The Appellant has a 24-month SNAP certification period.
- 3) The interim contact form was mailed to the Appellant in February 2024, to be returned by March 2024, the 12th month of the SNAP certification period.
- 4) The Appellant failed to return the interim contact form in March 2024 and SNAP benefits were terminated effective April 1, 2024.
- 5) The Appellant reapplied for SNAP benefits on April 3, 2024.
- 6) SNAP benefits issued during the initial month of certification are prorated from the date of application.
- 7) The Appellant's SNAP benefits were prorated from April 3, 2024.

- 8) The Respondent acted in accordance with policy and federal regulations in terminating SNAP benefits effective April 1, 2024, and in prorating SNAP benefits from the date of the April 3, 2024, SNAP application.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program benefits and its decision to prorate April 2024 benefits.

ENTERED this 23rd day of April 2024.

Kristi Logan
Certified State Hearing Officer