



July 31, 2024

[REDACTED]

RE: [REDACTED] v. DoHS/BFA
ACTION NO.: 24-BOR-2546

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: Ethan Moore, [REDACTED] DoHS

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

██████████,

Appellant,

v.

Action Number: 24-BOR-2546

**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 July 31, 2024.

The matter before the Hearing Officer arises from the April 22, 2024, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance (SNAP).

At the hearing, the Respondent appeared by Ethan Moore, ██████████ DoHS. The Appellant represented herself. The witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 SNAP 6 or 12-Month Contact Form (PRC-2) mailed March 18, 2024
- D-3 Notice of Termination dated April 22, 2024
- D-4 West Virginia Income Maintenance Manual §1.4.1.D
- D-5 SNAP Application received April 30, 2024
- D-6 Verification Checklist dated May 7, 2024
- D-7 Notice of Denial dated June 17, 2024
- D-8 West Virginia Income Maintenance Manual §7.2.3

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.
- 2) The Respondent mailed an interim contact form (PRC-2) to the Appellant on March 18, 2024, to be completed and returned by April 18, 2024 (Exhibit D-2).
- 3) The Respondent sent a notice of termination to the Appellant on April 22, 2024, advising that SNAP benefits would close effective May 1, 2024, when the interim contact form had not been returned (Exhibit D-3).
- 4) The Appellant submitted a SNAP interim contact form to the Respondent on April 30, 2024 (Exhibit D-5).
- 5) The Appellant reported that her earned income had decreased by more than \$125 (Exhibit D-5).
- 6) The Respondent sent a verification checklist to the Appellant on May 7, 2024, requesting paystubs received from March 31 through April 29, 2024 (Exhibit D-6).
- 7) The Respondent sent a notice of denial on June 17, 2024, when the requested income verification had not been received (Exhibit D-7).
- 8) The Appellant reapplied for SNAP benefits on June 24, 2024, and benefits were approved from the date of reapplication.

APPLICABLE POLICY

Code of Federal Regulations Title 7 §273.12(a) explains reporting requirements:

(iii) Periodic report.

(A) Exempt households. The State agency must not require the submission of periodic reports by households certified for 12 months or less in which all adult members are elderly or have a disability with no earned income.

(B) Submission of periodic reports by non-exempt households. Households that are certified for longer than 6 months, except those households described in [§273.12\(a\)\(5\)\(iii\)\(A\)](#), must file a periodic report between 4 months and 6 months, as

required by the State agency. Households in which all adult members are elderly or have a disability with no earned income and are certified for periods lasting between 13 months and 24 months must file a periodic report once a year.

(C) The periodic report form must request from the household information on any changes in circumstances in accordance with [paragraphs \(a\)\(1\)\(i\)](#) through [\(a\)\(1\)\(vii\)](#) of this section and conform to the requirements of [paragraph \(b\)\(2\)](#) of this section.

(D) If the household files a complete report resulting in reduction or termination of benefits, the State agency shall send an adequate notice, as defined in [§271.2 of this chapter](#). The notice must be issued so that the household will receive it no later than the time that its benefits are normally received.

(E) If a household fails to file a complete report by the specified filing date, the State agency shall provide the household with a reminder notice advising the household that it has 10 days from the date the State agency mails the notice to file a complete report. If an eligible household files a complete periodic report during this 10 day period, the State agency shall provide it with an opportunity to participate no later than ten days after its normal issuance date. If the household does not respond to the reminder notice, the household's participation shall be terminated and the State agency must send an adequate notice of termination described in [paragraph \(a\)\(5\)\(iii\)\(C\)](#) of this section.

(F) If an eligible household that has been terminated for failure to file a complete report files a complete report after its extended filing date under (E), but before the end of the issuance month, the State agency may choose to reinstate the household. If the household has requested a fair hearing on the basis that a complete periodic report was filed, but the State does not have it, the State agency shall reinstate the household if a completed periodic report is filed before the end of the issuance month.

(G) The periodic report form shall be the sole reporting requirement for any information that is required to be reported on the form, except that a household required to report less frequently than quarterly shall report:

- (1) When the household monthly gross income exceeds the monthly gross income limit for its household size in accordance with [paragraph \(a\)\(5\)\(v\)](#) of this section;
- (2) Whenever able-bodied adults subject to the time limit of [§273.24](#) have their work hours fall below 20 hours per week, averaged monthly; and
- (3) Whenever a member of the household wins substantial lottery or gambling winnings in accordance with [§ 273.11\(r\)](#).

(H) If the State agency uses a combined periodic report for SNAP and TANF or Medicaid, the State agency shall clearly indicate on the form that SNAP-only households need not provide information required by another program. Non-applicant household or family members need not provide SSNs or information about citizenship or immigration status.

(iv) **Processing periodic reports.** In selecting a due date for the periodic report, the State agency must provide itself sufficient time to process reports so that households will receive adequate notice of action on the report in the first month of the new reporting period. The State agency shall provide the household a reasonable period after the end of the last month covered by the report in which to return the report. The State agency shall provide the household a reasonable period after the end of the last month covered by the report in which to return the report. Benefits should be issued in accordance with the normal issuance cycle if a complete report was filed timely.

(v) **Reporting when gross income exceeds 130 percent of poverty.** A household subject to simplified reporting in accordance with [paragraph \(a\)\(5\)\(i\)](#) of this section, whether or not it is required to submit a periodic report, must report when its monthly gross income exceeds the monthly gross income limit for its household size, as defined at [§273.9\(a\)\(1\)](#). The household shall use the monthly gross income limit for the household size that existed at the time of its most recent certification or recertification, regardless of any subsequent changes in its household size.

(c) **State agency action on changes.** The State agency shall take prompt action on all changes to determine if the change affects the household's eligibility or allotment. However, the State agency has the option to disregard a reported change to an established deduction in accordance with [paragraph \(c\)\(4\)](#) of this section. If a household reports a change in income, and the new circumstance is expected to continue for at least one month beyond the month in which the change is reported, the State agency may act on the change in accordance with [paragraphs \(c\)\(1\)](#) and [\(c\)\(2\)](#) of this section.

(1) **Increase in benefits.**

(iii) The State agency may elect to verify changes which result in an increase in a household's benefits in accordance with the verification requirements of [§273.2\(f\)\(8\)\(ii\)](#), prior to taking action on these changes. If the State agency elects this option, it must allow the household 10 days from the date the change is reported to provide verification required by [§ 273.2\(f\)\(8\)\(ii\)](#). If the household provides verification within this period, the State shall take action on the changes within the timeframes specified in [paragraphs \(c\)\(1\)\(i\)](#) and [\(ii\)](#) of this section. The timeframes shall run from the date the change was reported, not from the date of verification. If, however, the household fails to provide the required verification within 10 days after the change is reported but does provide the verification at a later date, then the timeframes specified in [paragraphs \(c\)\(1\)\(i\)](#) and [\(ii\)](#) of this section for taking action on changes shall run from the date verification is provided rather than from the date the change is reported. If the State agency does not elect this option, verification required by [§273.2\(f\)\(8\)\(ii\)](#) must be obtained prior to the issuance of the second normal monthly allotment after the change is reported. If in these circumstances the household does not provide verification, the household's benefits will revert to the original benefit level.

West Virginia Income Maintenance Manual Chapter 10 explains case maintenance procedures:

10.4.2 Client Reporting Requirements

All SNAP assistance groups (AGs) must report changes related to eligibility and benefit amount at application and redetermination. SNAP AGs are subject to limited reporting requirements, and the reporting requirements in this section apply to recipient AGs only. Regardless of the SNAP reporting requirement, all changes reported directly by an AG member, the AG's authorized representative and/or authorized Electronic Benefits Transfer (EBT) cardholder, or from a source that is listed as verified upon receipt below must be acted on, even if the AG is not required to report the information.

When reported information results in a change in benefits and additional or clarifying information is needed, the Worker must first request the information by using the DFA-6 or verification checklist. If the client does not provide the information within the time

frame specified by the Worker, the appropriate action is taken after advance notice. Each reported change is evaluated independently for the appropriate action to be taken. When a reported change results in the change of the certification period, the client must receive advance notice of the change.

10.4.2.A Limited Reporting

When approved with a gross non-excluded income at or below 130% of the Federal Poverty Level (FPL), an AG must report when the total gross non-excluded earned and unearned income of the Income Group (IG) exceeds 130% of the FPL for the number of individuals in the original AG.

10.4.2.D Interim Contact Reports (PRC-2)

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 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.

Verification of reported changes must be submitted for the report to be considered complete. If a change is reported that requires verification, it must be requested using a DFA-6. Failure to provide requested verification results in AG closure or loss of a deduction after advance notice.

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, except for changes reported in income, are treated as changes reported during the certification period, not as changes reported during the completion of a redetermination. **When a change in income is reported on the PRC-2, verification must be requested and received for the PRC-2 to be considered complete, regardless of whether that change would result in an increase, decrease, or closure of the benefit.** 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.

10.4.2.E SNAP AGs Eligible for Reinstatement of Benefits

A SNAP AG can be reinstated from the date the household provides the information and/or necessary verification without a new application when they meet the following conditions:

- The SNAP benefits must be in closed status;
- The SNAP AG has at least one full month remaining in the certification period after the last month benefits are received; The SNAP AG must report and verify a change in circumstances during the 30 days following the last month benefits are received; and
- The SNAP AG must be eligible for SNAP during the reinstatement month and the remaining months of the certification period.

West Virginia Income Maintenance Manual Chapter 10 explains SNAP income eligibility:

4.4.1 Budgeting Method

Eligibility is determined and benefits are issued on a monthly basis; therefore, it is necessary to determine a monthly amount of income to count for the eligibility period. The following information applies to earned and unearned income. For all cases, the Worker must determine the amount of income that can be reasonably anticipated for the assistance group (AG). Income is projected; past income is used only when it reflects the income the client reasonably expects to receive during the certification period.

4.4.1.B Consideration of Past Income

The Worker must consider information about the client's income sources before deciding which income to use. The Worker must follow the steps below for each old income source.

Step 1: Determine the amount of income received by all persons in the Income Group (IG) in the 30 calendar days prior to the application/redetermination date, or interview date when the interview is completed on a different day than when the application is received. The appropriate time period is determined by counting back 30 days beginning with the calendar day prior to the date of application/redetermination. However, if the interview is completed on a different day than when the date the application/redetermination is received, the 30-day look-back period could begin the day before the interview date. The income from this 30-day period is the minimum amount of income that must be considered. When, in the Worker's judgment, future income may be more reasonably anticipated by considering the income from a longer period of time, the Worker considers income for the time period he determines to be reasonable. Whether the Worker considers income from the prior 30 days, or from a longer period of time, all of the income received from that source during that time period must be considered. All pay periods during the appropriate time period must be considered and must be consecutive. If the client provided sufficient income verification on the date the application/redetermination is received, then additional verification is not required at interview.

Step 2: Determine if the income from the previous 30 days is reasonably expected to continue into the new certification period. If it is not expected to continue, the income from this source is no longer considered for use in the new certification period. If it is expected to continue, determine if the amount is reasonably expected to be more or less the same. If so, the income source is used for the new certification period and treated according to Section 4.4.1.D below. If it is not expected to continue at more or less the same amount, the income source is used for the new certification period and treated according to Section 4.4.1.C below.

Step 3: Record the results of Step 2, including the amount of income, why the source is or is not being considered for the new certification period, the client's statement about continuation of the income from this source, the time period used, and, if more than the previous 30 days, the reason additional income was considered. Once the Worker has determined all of the old sources of income to consider and the time period for which they are considered, he must then determine if any source should be considered for future income.

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 form (PRC-2) is not submitted. When a change in income is reported on the interim contact form, verification must be requested and received for the interim contact form to be considered complete, regardless of whether that change would result in an increase, decrease, or closure of the benefit.

The Appellant submitted the interim contact form to the Respondent on April 30, 2024, in the sixth month of her 12-month certification period. The Appellant reported a decrease in earned income on the interim contact form therefore the Respondent requested verification of the Appellant's earnings. The Appellant failed to provide the requested verification and SNAP benefits were not continued through the remainder of the Appellant's certification period.

The Appellant testified that she contacted the Respondent to advise that she was waiting for her final paystub for April 2024 before she submitted the interim contact form. The Appellant stated that the Respondent's electronic system, PATH, does not allow for the submission of documents so she was unable to provide income verification with the interim contact form. The Appellant stated she did not have a printer to print off her paystubs and contacted the Respondent in May 2024 for an email address to send the paystubs electronically. The Appellant contended that a worker did not return her phone call until sometime in June 2024, at which point she reapplied for SNAP benefits.

The Appellant argued that the Respondent requested the incorrect paystubs and that once she notified the Respondent that her income would remain the same, her SNAP benefits should not have been terminated but should have continued using the previously verified income.

Pursuant to policy, the appropriate time period used to determine SNAP eligibility is determined by counting back 30 days beginning with the calendar day prior to the date the application, redetermination or interim contact form is received. The Appellant submitted the interim contact form to the Respondent on April 30, 2024, therefore the Respondent correctly requested the Appellant's paystubs using the 30-day period of consideration of March 31 through April 29, 2024.

Policy states that any changes in income that is reported on the interim contact form must be requested and received before the form is considered complete. The Respondent was required to verify the Appellant's reported change in income before SNAP benefits could continue.

Whereas the Appellant failed to verify her income as requested by the Respondent and required by policy, the Respondent's decision to terminate the Appellant's SNAP benefits is affirmed.

CONCLUSIONS OF LAW

- 1) All changes in income that are reported on the interim contact form must be verified.
- 2) The Appellant reported a decrease in her earned income on the April 30, 2024, interim contact form.
- 3) The Respondent requested verification of the Appellant's earned income be submitted by May 16, 2024.
- 4) The Appellant failed to provide income verification by the established due date.
- 5) The Respondent acted in accordance with policy by terminating the Appellant's SNAP benefits for a failure to verify her earned income.

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.

ENTERED this 31st day of July 2024.

Kristi Logan
Certified State Hearing Officer