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Si usted tiene preguntas, por favor llame a 304-267-0100

December 11, 2024

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 24-BOR-3603

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 assure 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,

Lori Woodward, J.D.
Certified State Hearing Officer
Member, State Board of Review

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

cc: Peter VanKleeck, WV DoHS/BFA

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

████████████████████,

Appellant,

v.

ACTION NO.: 24-BOR-3603

**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 December 4, 2024.

The matter before the Hearing Officer arises from the Respondent’s October 18, 2024 decision to close the Appellant’s Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Peter VanKleeck, Family Support Supervisor. The Appellant appeared *pro se*. Appearing as a witness for the Appellant was her father, ██████████. The witnesses were placed under oath and the following documents were admitted into evidence:

Department’s Exhibits:

- D-1 Hearing Summary
- D-2 Supplemental Nutrition Assistance Program (SNAP) - 6 or 12 month contact form (PRC-2), dated September 23, 2024
- D-3 10 Day Notice of Not Returning the Interim Contact Form (CNAD), dated October 3, 2024
- D-4 Supplemental Nutrition Assistance Program (SNAP) closure notice (CMC2), dated October 18, 2024
- D-5 WV Income Maintenance Manual (IMM), Chapter 1, §1.4.1.D
- D-6 WV Income Maintenance Manual (IMM), Chapter 1, §1.4.14.A.2
- D-7 WV Income Maintenance Manual (IMM), Chapter 10, §10.4.2.D

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 SNAP benefit recipient who was required to complete and return an interim contact form (PRC-2). (Exhibit D-2)
- 2) On September 23, 2024, the PRC-2 form was sent to the Appellant with instructions to complete the form and return it to her local office by October 1, 2024. (Exhibit D-2)
- 3) On October 3, 2024, the Respondent mailed a 10 Day Notice of Not Returning the Interim Contact Form (CNAD) to the Appellant reminding her to complete and return the PRC-2. (Exhibit D-3)
- 4) On October 18, 2024, the Respondent sent notification that the Appellant's SNAP benefits would be terminated as of November 1, 2024 due to failing to return the PRC-2. (Exhibit D-4)
- 5) On November 7, 2024, the Appellant completed a SNAP application and was approved for expedited SNAP benefits in the amount of \$780.
- 6) A verification for the loss of the Appellant's employment was issued to determine her continuing eligibility for SNAP benefits.
- 7) As of the date of this hearing, the Appellant began new employment.

APPLICABLE POLICY

Code of Federal Regulations Title 7 §273.12(a) explains periodic 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.

WV IMM, Chapter 10, §10.4.2.D, Interim Contact Reports (PRC-2), in part:

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.

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.

DISCUSSION

Policy requires 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.

The Appellant was required to complete and return a PRC-2 form to continue receiving SNAP benefits. The PRC-2 form was sent to the Appellant in the 5th month of her certification period on September 23, 2024, with instructions to complete and return the form by October 1, 2024.

The Appellant contended that she never received the PRC-2. The Appellant testified that she has had trouble with receiving her mail in addition to being a victim of identity theft. There was no corroboration of either of these assertions other than her father's agreement.

Additionally, the Appellant asserted that she should not have had an interim contact form due in October 2024 as her SNAP certification date did not begin in May 2024. The Appellant vehemently denies having made an application in May 2024 stating that she was in [REDACTED] a drug rehabilitation facility in [REDACTED]. The Respondent's representative, Peter VanKleeck, testified that the Respondent's records show that the Appellant made an online SNAP application in May 2024 and completed a telephone interview.

The Appellant also averred she went to her local office on October 18, 2024 and completed her PRC-2 with a worker during which time she also requested assistance with her telephone bill. The Appellant stated she then returned in November when her SNAP benefits were not issued. Mr. VanKleeck testified that there was no record of an October 2024 visit, but did confirm that the Appellant was in the local office on November 7, 2024. Mr. VanKleeck stated that the Appellant made a SNAP application at that time and was approved for expedited SNAP benefits for November 2024 in the amount of \$780.

The Appellant was very dissatisfied with the policy and procedure the Board of Review is required to follow in the appeals process. The Appellant mistakenly believed that the Board of Review was responsible for contacting workers on the Appellant's behalf to investigate her allegations. The Scheduling Order sent to the Appellant on November 12, 2024, which the Appellant confirmed she received, explains in plain language that, "If a party wishes a Respondent employee to attend

as a witness, they must request that attendance, in writing, including the reason for the request, to the Department and the Hearing Officer **not later than fourteen (14) calendar days** from the date of this notice.”

The preponderance of evidence showed that the Appellant failed to return the interim contact form (PRC-2) to the Respondent prior to the 7th month of her SNAP certification period. The Respondent’s decision to terminate the Appellant’s SNAP benefits as of November 1, 2024 is affirmed.

CONCLUSIONS OF LAW

- 1) SNAP assistance groups that are certified for 12 months must have an interim contact form completed in the 6th month of the certification period.
- 2) Failure to return the interim contact form prior to the 7th month of the certification period results in case closure.
- 3) The Appellant did not submit an interim contact form prior to November 1, 2024, the 7th month of her SNAP certification period.
- 4) The Respondent’s decision to terminate the Appellant’s SNAP benefits is affirmed.

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 11th day of December 2024.

Lori Woodward, Certified State Hearing Officer