



December 18, 2024

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA  
ACTION NO.: 24-BOR-3738

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: Ann Hubbard, WV DoHS/BFA

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

██████████,

**Appellant,**

v.

**ACTION NO.: 24-BOR-3738**

**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 17, 2024.

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

At the hearing, the Respondent appeared by Ann Hubbard, Economic Service Supervisor. The Appellant appeared *pro se*. 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 (CSLE) review form, dated August 12, 2024
- D-3 Supplemental Nutrition Assistance Program (SNAP) closure notice (CMC1), dated September 18, 2024
- D-4 WV Income Maintenance Manual (IMM), Chapter 1, §1.2.2.B

**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. (Exhibit D-2)
- 2) On August 12, 2024, a SNAP review form (CSLE) was sent to the Appellant with instructions to complete the form and return it to her local office by September 1, 2024. (Exhibit D-2)
- 3) The August 12, 2024 CSLE included information regarding the scheduled SNAP telephone interview appointment on September 16, 2024 at 3:30 p.m. (Exhibit D-2)
- 4) The Appellant failed to return the completed CSLE form by September 1, 2024, therefore the Appellant was not contacted for the telephone interview. (Exhibit D-1)
- 5) On September 18, 2024, the Respondent sent notification that the Appellant's SNAP benefits would be terminated as of November 1, 2024 due to failing to complete an eligibility review. (Exhibit D-3)

### **APPLICABLE POLICY**

#### **Code of Federal Regulations – 7 CFR §273.14, in relevant parts:**

(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.

(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;

(E) Information on alternative submission methods available to households which cannot come into the certification office or do not have an authorized representative and how to exercise these options;

(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 § 273.2(c)(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 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.

(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.

**WV IMM, Chapter 1, §1.4.18.A, *Redetermination Forms, in part:***

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.

**WV IMM, Chapter 1, §1.4.18.C, *Redetermination Interview, in part:***

An interview is required regardless of the method by which the redetermination is completed. A phone interview is conducted unless one or more of the following criteria is met:

- The client or his authorized representative requests a face-to-face interview. The Worker must schedule the appointment; or
- The Department determines that a phone interview is not appropriate due to questionable circumstances.

**WV IMM, Chapter 1, §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.

**DISCUSSION**

Federal regulations and agency policy directs that no household may participate in SNAP beyond the expiration of the certification period without a determination of eligibility for a new period. All households must apply for recertification and comply with interview and verification requirements.

The Appellant was required to complete a SNAP eligibility review before her certification expired

on September 30, 2024. The Respondent terminated the Appellant's SNAP benefits when she failed to submit a completed SNAP review form and an interview prior to the end of her certification period. Notification of the termination of the Appellant's SNAP benefits was issued on September 18, 2024.

The Appellant testified that she did receive the review form but stated that she must have submitted it too late. There was no testimony as to when the Appellant returned the completed form or if it was received in the local office.

SNAP benefits cannot be continued beyond the certification period without a redetermination of eligibility. Per policy, the Respondent was required to terminate the Appellant's SNAP benefits after proper notice because she failed to complete her eligibility review prior to the end of her certification period.

### **CONCLUSIONS OF LAW**

- 1) Pursuant to federal regulations and agency policy, no household may participate beyond the expiration of the certification period without a determination of continued eligibility.
- 2) The Appellant failed to submit her CSLE form and complete her eligibility review prior to the end of her certification period.
- 3) 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 18<sup>th</sup> day of December 2024.**

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Lori Woodward, Certified State Hearing Officer