



January 22, 2025

[REDACTED]

RE: [REDACTED] v. DoHS/BFA  
ACTION NO.:24-BOR-3810

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,

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

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

cc: Rena Lawless, [REDACTED] DoHS

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

██████████,

**Appellant,**

v.

**Action Number: 24-BOR-3810**

**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 January 22, 2025.

The matter before the Hearing Officer arises from the October 30, 2024, decision by the Respondent to deny a replacement of Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Amy Mabe-Hall, ██████████ DoHS. The Appellant appeared *pro se*. The witnesses were placed under oath and the following documents were admitted into evidence.

**Department's Exhibits:**

None

**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 lost electricity due to Storm Helene from September 27 until October 2, 2024.
- 2) The Appellant contacted the Respondent's Customer Service Center on October 10, 2024, to inquire about a SNAP replacement for food that was destroyed during Storm Helene.
- 3) The Appellant was advised that the application for a SNAP replacement could not be taken over the telephone and an application was mailed to the Appellant on that date.
- 4) The Appellant mailed the completed SNAP replacement application to the Respondent on October 26, 2024.
- 5) The Respondent received the Appellant's application for a SNAP replacement on October 30, 2024.
- 6) The Respondent sent a notice of denial on October 30, 2024, advising the Appellant that SNAP replacements for Storm Helene ended on October 28, 2024.

## **APPLICABLE POLICY**

Code of Federal Regulations 7 CFR §274.6 details SNAP benefit replacement:

### ***(a) Providing replacement issuance***

(1) Subject to the restrictions in paragraph (a)(3) of this section, State agencies shall provide replacement issuances to a household when the household reports that food purchased with Program benefits was destroyed in a household misfortune.

### ***(3) Replacement restrictions***

(i) Replacement issuances shall be provided only if a household timely reports a loss orally or in writing. The report will be considered timely if it is made to the State agency within 10 days of the date food purchased with Program benefits is destroyed in a household misfortune.

(ii) No limit on the number of replacements shall be placed on the replacement of food purchased with Program benefits which was destroyed in a household misfortune.

(iii) Except for households certified under 7 CFR part 280, replacement issuances shall be provided in the amount of the loss to the household, up to a maximum of one month's allotment, unless the issuance includes restored benefits which shall be replaced up to their full value.

### ***(4) Household statement of loss***

(i) Prior to issuing a replacement, the State agency shall obtain from a member of the household a signed statement attesting to the household's loss.

(ii) If the signed statement or affidavit is not received by the State agency within 10 days of the date of report, no replacement shall be made. If the 10th day falls on a weekend or holiday, and the statement is received the day after the weekend or holiday, the State agency shall consider the statement timely received.

(ii) Prior to replacing destroyed food that was purchased with Program benefits, the State agency shall determine that the destruction occurred in a household misfortune or disaster, such as, but not limited to, a fire or flood. This shall be verified through a collateral contact, documentation from a community agency including, but not limited to, the fire department or the Red Cross, or a home visit.

**(5) *Time limits for making issuance replacements.***

(i) Replacement issuances shall be provided to households within 10 days after report of loss or within two (2) working days of receiving the signed household statement required in [paragraph \(a\)\(4\)](#) of this section, whichever date is later.

(ii) The State agency shall deny or delay replacement issuances in cases in which available documentation indicates that the household's request for replacement appears to be fraudulent.

(iii) The household shall be informed of its right to a fair hearing to contest the denial or delay of a replacement issuance. Replacements shall not be made while the denial or delay is being appealed.

**(6) *Verifying issuance and household misfortune.***

(i) Upon receiving a request for replacement of an issuance for food destroyed in a household misfortune, the State agency shall determine if the issuance was validly issued. The State agency shall also comply with all applicable provisions in [paragraphs \(a\)\(3\)](#) through [\(a\)\(5\)](#) of this section.

(ii) Prior to replacing destroyed food that was purchased with Program benefits, the State agency shall determine that the destruction occurred in a household misfortune or disaster, such as, but not limited to, a fire or flood. This shall be verified through a collateral contact, documentation from a community agency including, but not limited to, the fire department or the Red Cross, or a home visit.

**West Virginia Income Maintenance Manual §12.2 explains SNAP benefit replacement procedures:**

*12.2.1.A.1 Destroyed Food – Replacement Procedures*

In cases when food purchased with SNAP is destroyed in a household misfortune or disaster, the assistance group (AG) will be eligible for replacement of the actual value of the loss, not to exceed one month's allotment, if:

- The loss is reported within 10 days of the incident; and
- The AG's misfortune or disaster is verified; and
- The DFA-SNAP-36 is completed and signed within 10 days of the report of the loss.

A misfortune or disaster such as, but not limited to, fire or the loss of power, may affect an individual household. The power outage must exceed four hours. A natural disaster may affect either an individual household or more than one household. During a mass power outage, verification of the outage is self-attested. The Worker replaces the value of the food using the appropriate eligibility system procedure. The replacement benefit must be received within two days of the receipt of the completed and signed DFA-SNAP-36.

### **DISCUSSION**

Federal regulation and agency policy state that SNAP benefits may be replaced when a household reports that food purchased with SNAP benefits was destroyed in a household misfortune. Household misfortune is defined as a natural disaster, fire or loss of power. The loss must be reported within 10 days of the date food purchased with SNAP benefits is destroyed in a household misfortune.

The Respondent's witness, Amy Mabe-Hall, testified that the Respondent extended the deadline to apply for a SNAP replacement due to Storm Helene to October 28, 2024. Ms. Hall stated Appellant's application was not received until October 30, 2024, after the deadline.

The Appellant testified that she was unaware of the SNAP replacement program or of any deadline to request a replacement of SNAP benefits. The Appellant contended that she overheard someone discussing a SNAP replacement and contacted the Respondent's Customer Service Center about how to apply. The Appellant stated she is disabled and unable to leave her home to submit the application in-person.

Whereas the Appellant failed to submit a SNAP replacement application within 10 days of the date she reported the loss of food purchased with SNAP benefits or prior to the extended deadline for Storm Helene victims of October 28, 2024, the Respondent acted in accordance with policy in the denial of the Appellant's application for a SNAP replacement.

### **CONCLUSIONS OF LAW**

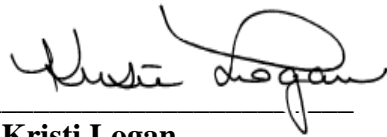
- 1) Federal regulations and agency policy state that a loss of food purchased with SNAP benefits must be reported within 10 days of the date it is destroyed in a household misfortune for the approval of a benefit replacement.

- 2) The Appellant lost electricity from September 27 through October 2, 2024.
- 3) The Appellant reported the loss of food that was purchased with SNAP benefits to the Respondent on October 10, 2024.
- 4) The Respondent received the Appellant's SNAP replacement application on October 30, 2024, after the deadline to request a replacement due to Storm Helene expired.
- 5) The Respondent's decision to deny the Appellant's request for a SNAP replacement is affirmed.

### **DECISION**

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to deny the Appellant's application for a Supplemental Nutrition Assistance Program replacement.

**ENTERED this 22<sup>nd</sup> day of January 2025.**

A handwritten signature in black ink, appearing to read "Kristi Logan", written over a horizontal line.

**Kristi Logan**  
**Certified State Hearing Officer**