



January 16, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS BFA  
ACTION NO.: 24-BOR-3913

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,

Angela D. Signore  
State Hearing Officer  
Member, State Board of Review

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

cc: Paul Patrick, WV DoHS, [REDACTED]

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

██████████,

**Appellant,**

v.

**Action Number: 24-BOR-3913**

**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 7, 2025, on an appeal filed December 18, 2024.

The matter before the Hearing Officer arises from the November 18, 2024 determination by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits due to failure to return a completed Interim Contact Report (PRC2) form.

At the hearing, the Respondent appeared by Paul Patrick, Economic Service Supervisor, DoHS. The Appellant appeared *pro se*. Both witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Hearing Summary
- D-2 WV People's Access to Help (PATH) eligibility system printout of Case Comments
- D-3 WV PATH eligibility system printout of Client Notices Summary
- D-4 WV DoHS Notice of 6- or 12-Month Contact Form (Page 1 only), dated October 21, 2024
- D-5 WV DoHS 10 Day Notice of Not Returning the Interim Contact Form (Page 1 only), dated November 06, 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 (1) person Assistance Group (AG). (Exhibits D-2 through D-5)
- 2) On October 21, 2024, the Respondent issued a notice advising the Appellant that his SNAP benefits were due for a review and that the enclosed DFA-PRC-2 (PRC-2) form was to be completed and returned by November 01, 2024. The notice indicated that failure to submit the review form by the deadline would result in termination of SNAP benefits. (Exhibit D-4)
- 3) On November 06, 2024, the Respondent issued a 10 Day Notice advising the Appellant that he failed to return the October 21, 2024, PRC-2 review form. (Exhibits D-2, D-3, and D-5)
- 4) On November 18, 2024, the Respondent issued a notice advising the Appellant that his SNAP benefits would be terminated effective December 01, 2024, due to a failure to complete the October 21, 2024 PRC-2 review form.
- 5) The Appellant returned the PRC-2 review form to the Respondent on or about November 19, 2024. (Exhibit D-2)
- 6) On or about the same date, November 19, 2024, the Respondent returned the PRC-2 form to the Appellant, because “Client didn’t mark 3 or ABAWD.” (Exhibit D-2)
- 7) The Appellant returned the PRC-2 review form to the Respondent on November 26, 2024. (Exhibit D-2)
- 8) On the same date, November 26, 2024, the Respondent returned the submitted PRC-2 form to the Appellant, due to not answering all questions. (Exhibit D-2)
- 9) On December 01, 2024, the Appellant’s SNAP benefits were terminated.
- 10) On December 18, 2024, the Appellant requested a Fair Hearing based on the November 18, 2024 Notice of Termination.
- 11) Question number 3 on the PRC-2 asks: “Do you or anyone in your house need an accommodation because of a condition that would prevent you from completing the review?”
- 12) The Appellant receives Supplemental Security Income (SSI) and is a recipient of SSI Medicaid.
- 13) The Appellant does not meet the definition of an Able-Bodied Adult Without Dependents (ABAWD).

## APPLICABLE POLICY

### **The Code of Federal Regulations (CFR), 7 CFR 273.2(c)(1)(iii) provides, in part:**

Each household has the right to file an application form on the same day it contacts the SNAP office during office hours. The household shall be advised that it does not have to be interviewed before filing the application and may file an incomplete application form as long as the form contains the applicant's name and address and is signed by a responsible member of the household or the household's authorized representative. Regardless of the type of application system used, the State agency must provide a means for all applicants applying through any mechanism to immediately begin the application process by filing an application with only the name, address, and signature.

### **7 CFR 273.12(a)(4)(iii) provides, in part:**

Failure to file a complete form by the specified filing date. If a household fails to file a complete report by the specified filing date, the State agency will send a notice to the household advising it of the missing or incomplete report no later than 10 days from the date the report should have been submitted. If the household does not respond to the notice, the household's participation shall be terminated. The State agency may combine the notice of a missing or incomplete report with the adequate notice of termination described in paragraph (a)(4)(v) of this section.

### **7 CFR 273.12(a)(5)(iii) provides, in part:**

(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. In selecting a due date for the periodic report, the State agency must provide itself sufficient time to process reports so that households that have reported changes that will reduce or terminate benefits will receive adequate notice of action on the report in the first month of the new reporting period.

(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. If the household fails to provide sufficient information or verification regarding a deductible expense, the State agency will not terminate the household but will instead determine the household's benefits without regard to the deduction.

(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.

**West Virginia Income Maintenance Manual (WVIMM) § 1.2.3.A General provides, in part:**

The Worker has the following general responsibilities in the application process. Program-specific responsibilities are found in the program sections of this chapter. The Worker must:

- Accept an application from any person or his representative who wishes to apply.
- Determine if the applicant requires special assistance.
- Ensure the client is given the opportunity to apply for all of the Department's programs on the date that he expresses an interest.
- Inform the client of his responsibilities, the process involved in establishing his eligibility, including the Department's processing time limits, and how the beginning date of eligibility is determined.
- Adhere to the Department's policies and procedures to establish eligibility, including those regarding timely action and/or decision.
- Prior to eligibility system entry for disposition of another application, the Worker must determine if there is an existing case number for the client.
  - When an existing case number is found in another county, the Worker

must request immediate eligibility system transfer to the client's new county of residence. The case record must be mailed to the new county of residence within 10 working days. The request may be accomplished by memorandum, electronic mail, or by telephone.

- The Worker must determine if there is an existing EBT account. He must also inform the client of the availability of any balance remaining in the account.
- Obtain all pertinent, necessary information through verification, when appropriate.
- During the SNAP interview, explain to the client they are required to self-attest whether they or any other member of their household have been convicted of certain crimes as an adult and if they are complying with the terms of their conviction. See 3.2.1.B.3. The worker should emphasize this attestation is legally binding. If the applicant's attestation is questionable, the Agency must verify each element of the questionable attestation.
- Assist the client in obtaining information required to establish his eligibility.
  - Determine whether or not the client is able to cooperate.
  - If he is able, but has not complied, instruct the client that his failure to fulfill his obligation may result in one or more of the following actions:
    - Denial of the application
    - Closure of the active AG
    - Removal of the individual from the AG
    - Repayment of benefits
    - Reduction in benefits
  - The action taken by the Worker depends on the specific requirement. These actions are found with the specific policy or in this chapter under the program-specific information.

**WVIMM § 1.3.1.A.3 Related Forms provides, in part:**

When the Worker does not have sufficient information to make a decision, it is necessary to complete form DFA-6 or verification checklist to inform the applicant of the additional information needed. All requests for verification must be made using the DFA-6 form and/or verification checklist.

The Worker must clearly state on the form what items must be returned by the applicant, as well as the date by which the information must be returned.

The applicant's failure to return information or the return of incomplete or incorrect information that prevents a decision from being made on the application will be considered failure to provide verification and will result in a denial of the application.

**WVIMM § 1.4.2 Complete Application provides, in part:**

An application form is considered complete when all relevant sections of the application form to a SNAP application are completed and the application form is signed by a responsible member of the AG or an authorized representative.

The client is not required to provide a complete application form to begin the application process so long as the incomplete application form contains, at a minimum, the client's name, address, and signature. An incomplete application containing, at a minimum, the client's name, address, and signature protects the date of application through the application process and must be acted upon.

**WVIMM § 1.4.8 Due Date of Additional Information provides, in part:**

Additional information requested from the applicant is due 10 calendar days from the date of the DFA-6 or verification checklist.

**WVIMM § 1.4.10 Due Date of Additional Information provides, in part:**

If, because of an agency error, an application has not been acted on within the required time limit, corrective action must be taken immediately.

If the agency failed to request the necessary verification, the Worker must immediately send a DFA-6 or verification checklist to the applicant and note that the application is pending. When the information is received, benefits are retroactive to the date of application.

If the agency failed to act promptly on the information already received, benefits are retroactive to the date eligibility would have been established had the agency acted in a timely manner. See Section 9.2 for notification requirements.

**WVIMM § 1.4.14.A.2 Interim Contact Report provides, in part:**

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.

**WVIMM § 1.4.15 Redetermination provides, in part:**

Redetermination procedures follow the same procedures as an application. An interview is required unless it is completed by the Social Security Administration (SSA). When found eligible, the client's new certification period is established based on the current household circumstances.

**WVIMM § 6.1.2 IEVS Data Exchanges provides, in part:**

The IEVS provides the DOHS with additional sources of information for use in

determining eligibility and the amount of the benefit for applicants and clients. This information is provided to the Worker through data exchanges.

Through the eligibility system, DOHS staff receive information obtained through data exchanges with other governmental agencies. The IEVS procedures ensure that appropriate Internal Revenue Service (IRS) privacy and procedural safeguards are applied in the use of the information. The same precautions with privacy and procedural safeguards apply to information received through the FDH.

Information obtained through IEVS is used for the following purposes:

- To verify the eligibility of the assistance group (AG)
- To verify the proper amount of benefits
- To determine if the AG received benefits to which it was not entitled
- To obtain information for use in criminal or civil prosecution based on receipt of benefits to which the AG was not entitled. Federal regulations require use of the following data exchanges that are provided using the IEVS:
  - WorkForce West Virginia – Wage and unemployment compensation information (UCI) data is available.
  - Internal Revenue Service (IRS) – Unearned income data is available.
  - Social Security Administration (SSA) – Retirement, Survivors and Disability Insurance (RSDI), Supplemental Security Income (SSI), and net earnings from self-employment data are available.

The Social Security Number (SSN) of each applicant and client of SNAP benefits, WV WORKS, and Medicaid is used to obtain IEVS information.

A data exchange in the eligibility system occurs:

- When a new case is created;
- When a new person is added to a benefit;
- When a person's demographic information is changed; and,
- On a periodic basis for all individuals in the eligibility system, depending on the type of benefit being received

The Worker must check eligibility system information as to the availability of data exchange information. In some instances, but not all, the eligibility system sends an alert to the Worker.



**WVIMM § 7.2.4 Worker Responsibilities provides, in part:**

The Worker has the following responsibilities in the verification process:

- At application, redetermination, and anytime a DFA-6 is used, the Worker must list all required verification known at the time. The Worker should only request additional verification if information provided is incomplete or additional information is necessary to determine eligibility.
- If the client is unsuccessful in obtaining information, or if physical or mental limitations prevent his compliance, and there is no one to assist him, the Worker must document attempts to obtain the verification.
- The Worker must accept any reasonable documentary evidence as verification and must not require a specific kind or source of verification. Verification may be submitted in person, by mail, by fax, or electronically.
- The Worker must not request verification if the case record or other documentation shows that verification has previously been supplied. It may, however, be requested if the verification provided or shown in the Department's records is incomplete, inaccurate, outdated, or inconsistent with recently reported information.
- When the Worker must make collateral contact, such as but not limited to, a client's employer, the Worker must not disclose the client's status as an applicant/client of a DOHS program.
- When the Worker receives information about the SNAP AG during the certification period that requires additional clarification or verification, the Worker may send a DFA-6 or may request, but not require, the client report to the office for an interview.

**WVIMM § 10.4.1.A Report Form, DFA-SNAP-2 provides, in part:**

Redetermination procedures follow the same procedures as an application. An interview is required unless it is completed by the Social Security Administration (SSA). When found eligible, the client's new certification period is established based on the current household circumstances.

**DISCUSSION**

The Appellant was a recipient of SNAP benefits for a one (1) person Assistance Group (AG). On October 21, 2024, the Respondent issued a notice advising the Appellant that his SNAP benefits were due for a review and that the enclosed DFA-PRC-2 (PRC-2) form was to be completed and returned by November 01, 2024. The notice indicated that failure to submit the review form by the

deadline would result in a termination of SNAP benefits. On November 18, 2024, when the Appellant's form had not been received by the Respondent, a notice was issued advising the Appellant that his SNAP benefits would be terminated effective December 01, 2024, due to the Appellant's failure to complete and return the October 21, 2024 PRC-2 review form. On or about November 19, 2024, the Appellant submitted the PRC-2 review form to the Respondent. On the same date, the Respondent returned the Appellant's PRC-2 review form to the Appellant due to the Appellant's failure to complete questions "3 or ABAWD" on the form. On November 26, 2024, the Appellant returned the PRC-2 review form to the Respondent. Subsequent to receipt of the Appellant's PRC-2, the Respondent again returned the form to the Appellant, due to not answering all questions. On December 01, 2024, the Appellant's SNAP benefits were terminated. The Respondent bears the burden of proof to establish that the action taken against the Appellant was in accordance with the policy. The Respondent had to prove by a preponderance of evidence that the Appellant's SNAP benefits were correctly terminated due to the Appellant's failure to submit a completed PRC-2.

The Respondent testified that the Appellant did return the PRC-2 review form on two separate occasions, but that it was sent back due to being "incomplete." He further testified that because a completed PRC-2 was not received, the Appellant's SNAP benefits were terminated effective December 01, 2024. The Respondent testified that the Appellant contacted the call center on November 15, 2024 and a new PRC-2 was issued along with advisement of the due date, but it was not received by the office. The Appellant did not dispute the Respondent's testimony or deny receiving the notices. To the contrary, the Appellant acknowledged his understanding of the policy; however, he was unsure of which questions he failed to answer. He further testified that he had been ill and was in the hospital, resulting in his delayed resubmission. The Respondent testified that because the Appellant failed to answer, "question three" and "the ABAWD question" (question nine), it was deemed as incomplete. However, he advised the Appellant that he can reapply at any time and agreed to issue a SNAP application via USPS mail to the Appellant. It should be noted that question three on the PRC-2 refers to ADA accommodations. Because there is no option to decline answering this question, the Appellant choosing to leave it blank is within his rights.

Though the Respondent testified that questions three and nine were not completed, there is no way to corroborate this allegation since a copy of the Appellant's twice submitted PRC-2 was not provided. Additionally, the submitted case comments were questionable since only snippets were presented instead of the complete record. However, there was enough evidence provided for this Hearing Officer to conclude that the Respondent had all the required information necessary to establish the Appellant's continued eligibility. It can further be determined that the Appellant's unanswered fields should not have delayed, much less terminated, the Appellant's SNAP benefits. Included with the evidence was a printout of all notices issued to the Appellant since October 18, 2024 (Exhibit D-3). When reviewing the notices, of particular importance was an exchange labeled "MSS." Per the Respondent's Medicaid Assistance Group Cascade, the MSS acronym is utilized by the departmental system when referencing SSI Medicaid, which requires the Appellant to have a disability in order to establish eligibility. Because the Appellant is clearly a recipient of SSI Medicaid, the Respondent should have been aware of the Appellant's disability, therefore excluding him from the ABAWD policy and further eliminating his obligation to complete question nine.

Further, policy section 1.4.2 defines that an application/redetermination is considered a "complete"

form so long as it contains, at a minimum, a client's name, address, and signature. Because the name and address of the recipient is pre-populated on a PRC-2 review form, and because there was no testimony provided by either party that the form was unsigned by the Appellant, the testimony from the Respondent that the form was "incomplete" due to missing fields three and nine, does not align with the policy. Policy further establishes that if pertinent information is missing or incomplete, a verification checklist known as an ES-6, must be issued. The Respondent worker is required to list all needed information known at the time the ES-6 is issued. The Respondent failed to establish that such notice was ever issued to the Appellant when the PRC-2 review form was returned each time, further corroborating that no pertinent information was missing from the Appellant's submitted PRC-2's. Therefore, the preponderance of evidence failed to show that the Respondent acted in accordance with the policy when terminating the Appellant's SNAP benefits due to the failure to submit a completed PRC-2 form.

### **CONCLUSIONS OF LAW**

- 1) Pursuant to policy, periodic reviews of eligibility must be completed as a condition for continued SNAP eligibility.
- 2) In order to complete an eligibility review, the policy provides that an individual must submit a PRC-2 prior to the end of the sixth or twelfth month of benefits. Failure to return the completed PRC-2 prior to the established deadline will result in case closure.
- 3) The Appellant's PRC-2 was to be completed and returned by November 01, 2024.
- 4) The Appellant returned his PRC-2 review form after the due date of November 01, 2024, but before the effective date of the adverse action (December 01, 2024), as required by policy.
- 5) The Respondent failed to establish by a preponderance of evidence that the PRC-2 form submitted by the Appellant failed to contain the required information necessary to establish continued eligibility.
- 6) The Respondent incorrectly terminated the Appellant's SNAP benefits for failure to return a completed PRC-2.

### **DECISION**

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's decision to terminate the Appellant's SNAP benefits effective December 01, 2024.

**ENTERED this \_\_\_\_\_ day of January 2025.**

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**Angela D. Signore  
State Hearing Officer**