



February 18, 2025

[REDACTED]

RE: [REDACTED] v. DoHS/BFA
ACTION NO.: 25-BOR-1244

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: Melissa Yost, [REDACTED] DoHS

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

████████████████████,

Appellant,

v.

Action Number: 25-BOR-1244

**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 February 18, 2025.

The matter before the Hearing Officer arises from the January 24, 2025, decision by the Respondent to deny the Appellant's request for a replacement of Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Melissa Yost, ██████████ 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 had a power outage on January 6, 2025, and power was restored on January 7, 2025.
- 2) The Appellant requested a replacement of SNAP benefits on January 23, 2025, to replace food that was destroyed from the power outage.
- 3) The Respondent sent a notice to the Appellant on January 24, 2025, advising that the SNAP replacement had been denied as the incident was not reported within ten days.

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.

(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.

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 Appellant lost power on January 6, 2025, and requested a SNAP replacement on January 23, 2025. The Respondent denied the Appellant's request as it was not made within ten days of the loss of power.

The Appellant contended that she called the Respondent multiple times asking how to apply for "Emergency SNAP" and was given no information. The Appellant argued that no one explained the 10-day requirement to her. The Respondent had no record of the Appellant inquiring about a SNAP replacement prior to January 23.

Whereas the Appellant failed to submit a request for a SNAP replacement within 10 days of the loss of food purchased with SNAP benefits, 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 January 6 through January 7, 2025.
- 3) The Appellant requested a replacement of SNAP benefits on January 23, 2025.
- 4) 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 request for a Supplemental Nutrition Assistance Program replacement.

ENTERED this 18th day of February 2025.

Kristi Logan
Certified State Hearing Officer