



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
1400 Virginia Street  
Oak Hill, WV 25901

Joe Manchin III  
Governor

Patsy A. Hardy, FACHE, MSN, MBA  
Cabinet Secretary

June 2, 2010

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Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held May 21, 2010 for the purpose of determining whether or not an Intentional Program Violation occurred.

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 Health and Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

Eligibility for the Supplemental Nutrition Assistance Program (SNAP) is based on current policy and regulations. These regulations provide that an Intentional Program Violations shall consist of having intentionally: (1) made a false or misleading statement or misrepresented, concealed or withheld facts or (2) committed any act that constitutes a violation of the Food Stamp Act, the Food Stamp Program Regulations, or any State statute relating to the use, presentation, transfer, acquisition, receipt or possession of Food Stamp coupons. Individuals found to have committed an act of Intentional Program Violation will be ineligible for a specified time determined by the number of previous Intentional Program Violation disqualifications (Code of Federal Regulations - 7 CFR § 273.16).

The information submitted at your hearing revealed that reported false information regarding your household's income at your March 2009 review.

It is the decision of the State Hearing Officer to **Uphold** the proposal of the Department to impose an Intentional Program Violation against you effective July 2010.

Sincerely,

Kristi Logan  
State Hearing Officer  
Member, State Board of Review

cc: Chairman, Board of Review  
Christine Allen, Repayment Investigator

**WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES  
BOARD OF REVIEW**

-----,

**Defendant,**

v.

**Action Number: 10-BOR-1185**

**West Virginia Department of  
Health and Human Resources,**

**Movant.**

**DECISION OF STATE HEARING OFFICER**

**I. INTRODUCTION:**

This is a report of the State Hearing Officer resulting from an Administrative Disqualification Hearing concluded on May 21, 2010 for ----- . This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources.

**II. PROGRAM PURPOSE:**

The Program entitled Supplemental Nutrition Assistance Program (SNAP) is administered by the West Virginia Department of Health & Human Resources.

The purpose of SNAP is to provide an effective means of utilizing the nation's abundance of food "to safeguard the health and well-being of the nation's population and raise levels of nutrition among low-income households." This is accomplished through the issuance of EBT benefits to households who meet the eligibility criteria established by the Food and Nutrition Service of the U.S. Department of Agriculture.

**III. PARTICIPANTS:**

Christine Allen, Repayment Investigator

Presiding at the Hearing was Kristi Logan, State Hearing Officer and a member of the Board of Review.

This hearing was held by videoconference.

**IV. QUESTION TO BE DECIDED:**

The question to be decided is whether or not Defendant committed an Intentional Program Violation.

**V. APPLICABLE POLICY:**

WV Income Maintenance Manual § 1.2 E, 9.1 A and 10.3 EE  
Code of Federal Regulations- 7 CFR § 273.16

**VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:**

**Department's Exhibits:**

- D-1 Hearing Summary
- D-2 SNAP Claim Determination Form
- D-3 SNAP Issuance History Screen (IQFS) from RAPIDS Computer System
- D-4 SNAP Allotment Determination Screen (EFAD) from RAPIDS Computer System
- D-5 WV WORKS Issuance History Screen (IQAF) from RAPIDS Computer System
- D-6 WV WORKS Grant Determination Screen (EAWG) from RAPIDS Computer System
- D-7 SNAP Claim Calculation Sheet
- D-8 Case Members History Screen (AQCM) from RAPIDS Computer System
- D-9 Case Comments (CMCC) from RAPIDS Computer System
- D-10 Bureau of Employment Programs Wage Details Screen (DXDW)
- D-11 Employment Verification from [REDACTED]
- D-12 Combined Application Form dated March 3, 2009
- D-13 Rights and Responsibilities Form dated March 3, 2009
- D-14 Notification Letter dated March 4, 2009
- D-15 Repayment Notification Letter dated April 1, 2010
- D-16 Notification of Intent to Disqualify dated April 1, 2010
- D-17 WV Income Maintenance Manual § 1.2 E
- D-18 WV Income Maintenance Manual § 10.3 EE
- D-19 WV Income Maintenance Manual § 20
- D-20 Code of Federal Regulations- 7 CFR § 273.16

**Defendant's Exhibits:**

None

**VII. FINDINGS OF FACT:**

- 1) A request for an Administrative Disqualification Hearing was received by the Board of Review from Department of Health and Human Resources' Repayment Investigator, Christine Allen, on April 16, 2010. The Department contends that Defendant has

committed an Intentional Program Violation (IPV) and is recommending that she be disqualified from participation in SNAP for 12 months.

- 2) Defendant was notified of the hearing date by letter mailed by this Hearing Officer on April 19, 2010. Defendant failed to appear at the hearing or provide good cause for her failure to do so.
- 3) Defendant completed a SNAP review on March 3, 2009. She reported to her caseworker that her household's only income was her SSI and WV WORKS for her son. SNAP benefits were approved based on the information provided by Defendant (D-1 and D-9).
- 4) The Department discovered through a Bureau of Employment Programs wage match that Defendant had earnings from [REDACTED] (D-9 and D-10). The Department verified with the employer that Defendant was hired at [REDACTED] on September 9, 2008 and worked until her termination on April 8, 2009 (D-11).

The Department contends Defendant made a false statement at her March 2009 review by reporting her SSI as her only income. Defendant was currently employed at [REDACTED] during that time and intentionally misrepresented her household's income.

- 5) WV Income Maintenance Manual § 1.2 E states:

The client's responsibility is to provide information about his circumstances so the Worker is able to make a correct decision about his eligibility. When the client is not able to provide the required verification, the Worker must assist him. The client must be instructed that his failure to fulfill his obligation may result in one or more of the following actions:

- Denial of application
- Closure of the active Assistance Group (AG)
- Removal of the individual from the AG
- Repayment of benefits
- Reduction in benefits

- 6) WV Income Maintenance Manual § 10.3 EE states:

Employment

Compensation as an employee counts as earned income for SNAP

- 7) WV Income Maintenance Manual § 9.1 A(2)h states:

Persons who have been found guilty of an Intentional Program Violation (IPV) are disqualified [from SNAP] as follows:

- 1st offense: 1 year
- 2nd offense: 2 years
- 3rd offense: Permanent

8) Code of Federal Regulations- 7 CFR § 273.16 states:

An Intentional Program Violation shall consist of having intentionally:

(1) Made a false or misleading statement, or misrepresented, concealed or withheld facts, or

(2) Committed any act that constitutes a violation of the Food Stamp [SNAP] Act, the Food Stamp Program Regulations, or any State statute relating to the use, presentation, transfer, acquisition, receipt or possession of Food Stamp coupons.

**VIII. CONCLUSIONS OF LAW:**

- 1) In order for an Intentional Program Violation to be established, it must be shown by clear and convincing evidence that the Defendant intentionally made a false or misleading statement or withheld or concealed facts from the Department.
- 2) Defendant intentionally made a false statement at her SNAP review in March 2009 by reporting her only income as SSI. Defendant was employed at the time of review and receiving regular earnings. By withholding information regarding her employment, Defendant was issued SNAP benefits for which she was not entitled to receive.

**IX. DECISION:**

It is the decision of the State Hearing Officer to **uphold** the proposal of the Department to impose an Intentional Program Violation against Defendant effective July 2010.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 2<sup>nd</sup> day of June 2010.**

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