



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW  
2699 Park Avenue, Suite 100  
Huntington, WV 25704

Earl Ray Tomblin  
Governor

Karen L. Bowling  
Cabinet Secretary

February 11, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 14-BOR-3631

Dear Ms. [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 Health and Human Resources. 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,

Todd Thornton  
State Hearing Officer  
Member, State Board of Review

Encl: Claimant's Recourse to Hearing Decision  
Form IG-BR-29

cc: Cassandra Burns, Department Representative

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

██████████,

**Defendant,**

v.

**Action Number: 14-BOR-3631**

**WEST VIRGINIA DEPARTMENT OF  
HEALTH AND HUMAN RESOURCES,**

**Movant.**

**DECISION OF STATE HEARING OFFICER**

**INTRODUCTION**

This is the decision of the State Hearing Officer resulting from an administrative disqualification hearing for ██████████ requested by the Movant on November 6, 2014. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' Common Chapters Manual and Federal Regulations at 7 CFR § 273.16. The hearing was convened on February 5, 2015.

The matter before the Hearing Officer arises from a request by the Department for a determination as to whether the Defendant has committed an intentional program violation and thus should be disqualified from the Supplemental Nutrition Assistance Program (SNAP) for 12 months.

At the hearing, the Department appeared by Cassandra Burns. The Defendant was notified of the hearing and failed to appear, resulting in the hearing being held in the Defendant's absence. All witnesses were sworn and the following documents were admitted into evidence.

**Movant's Exhibits:**

- D-1 Code of Federal Regulations, 7 CFR §273.16
- D-2 SNAP claim determination form and supporting documentation
- D-3 SNAP review documents, dated September 23, 2013
- D-4 Screen prints of case comments regarding the Defendant's case from the Movant's data system, entry dates September 11, 2013, through September 23, 2013
- D-5 Statement from ██████████, dated January 16, 2014

- D-6 Landlord verification from [REDACTED], dated February 7, 2014 (date completed)
- D-7 Screen print of the address information provided by the Defendant to the Department of Motor Vehicles (DMV), dated October 15, 2013 (license issuance date)
- D-8 West Virginia Income Maintenance Manual (WVIMM), Chapter 9.1
- D-9 WVIMM, Chapter 1.2
- D-10 WVIMM, Chapter 20.2
- D-11 WVIMM, Chapter 20.6
- D-12 ADH documents

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) Defendant received an overissuance of SNAP benefits from October 2013 to February 2014 totaling \$1755 (Exhibit D-2).
- 2) The overissuance was based on the Defendant’s failure to report her correct address and household composition.
- 3) The Defendant reported on a September 23, 2013 review of SNAP eligibility (Exhibit D-3) that she lived with her child at [REDACTED].
- 4) The Movant obtained a statement from [REDACTED] (Exhibit D-5) on January 16, 2014, regarding the Defendant’s actual address and household composition. At the time, Mr. [REDACTED] resided at [REDACTED], and his mother-in-law resided at [REDACTED]. Mr. [REDACTED] stated, “[REDACTED] and [REDACTED] and her daughter live...at [REDACTED]... [REDACTED] has never lived at [REDACTED], she lives with her parents.”
- 5) The Defendant was eighteen (18) years old at the time of her SNAP review (Exhibit D-3).
- 6) The Department contended the action of the Defendant to withhold information regarding her address and household composition constitutes an Intentional Program Violation (IPV), and requested this hearing for the purpose of making that determination.
- 7) The Defendant has no prior IPV offenses.

### **APPLICABLE POLICY**

The Code of Federal Regulations, 7 CFR §273.16(c) defines an IPV as having intentionally “made a false or misleading statement, or misrepresented, concealed or withheld facts,” for purposes of SNAP eligibility.

The West Virginia Income Maintenance Manual (WVIMM), Chapter 9.1.A.2.h, indicates a first offense IPV results in a one year disqualification from SNAP.

The WVIMM, Chapter 9.1.A.1.b(2), states that children under the age of 22 and living with a parent must be in the same SNAP assistance group as that parent, even if they do not purchase and prepare meals together.

### **DISCUSSION**

The Defendant did not appear for the hearing, and as such could not dispute facts presented by the Department.

The facts presented by the Department clearly show an action that meets the codified IPV definition. The Defendant reported a false address and withheld the fact she was living with her parents. Because of the Defendant’s age, these conditions required the Defendant’s parents to be included in her case, and because they were not the Defendant received an overissuance of SNAP benefits. The explicit false statement and the dollar amount of the overissuance are sufficient to indicate intent.

### **CONCLUSION OF LAW**

Because the Defendant has committed a first-offense IPV, the Department must disqualify the Defendant from receipt of SNAP benefits for one year.

### **DECISION**

The proposed IPV disqualification of the Defendant is upheld. The Defendant will be disqualified from receipt of SNAP benefits for a period of one year, beginning March 1, 2015.

**ENTERED this \_\_\_\_ Day of February 2015.**

---

**Todd Thornton  
State Hearing Officer**