



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL

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M. Katherine Lawson
Inspector General

February 15, 2018



RE: [REDACTED] v. WVDHHR
ACTION NO.: 17-BOR-2849

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

cc: Elizabeth Mullins, Department Representative

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

██████████,

Defendant,

v.

Action Number: 17-BOR-2849

**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 20, 2017. 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 January 4, 2018.

The matter before the Hearing Officer arises from a request by the Movant 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 Movant appeared by Elizabeth Mullins. The Defendant was notified of the hearing but failed to appear, resulting in the hearing being held in the Defendant's absence. The witness was sworn and the following documents were admitted into evidence.

EXHIBITS

Department's Exhibits:

- | | |
|-----|---|
| D-1 | Code of Federal Regulations
7 CFR §273.16 |
| D-2 | Data system screen print
Benefit Recovery Referral |
| D-3 | SNAP claim determination packet
ES-FS-5 (form); Supporting documents |

- D-4 SNAP application/review documents
Date signed: March 4, 2015
- D-5 SNAP application/review documents
Date signed: September 8, 2015
- D-6 SNAP application/review documents
Date signed: February 3, 2016
- D-7 Data system screen print
CAF Print Request
- D-8 SNAP application/review documents
Date signed: September 1, 2016
- D-9 SNAP application/review documents
Date signed: March 28, 2017
- D-10 Data system screen print
Client Placement History Report
Placement Details for “Child [REDACTED]”
- D-11 Data system screen print
FACTS Child Client Benefit Details
- D-12 Data system screen print
Case Comments
Entry dates: December 16, 2014, through October 6, 2017
- D-13 West Virginia Income Maintenance Manual (WVIMM)
Chapter 1 (excerpt)
- D-14 WVIMM
Chapter 20 (excerpt)
- D-15 WVIMM
Chapter 20 (excerpt)
- D-16 Administrative Disqualification Hearing 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) The Movant alleged the Defendant received an overissuance of SNAP benefits between March 2015 and September 2017 totaling \$4147. (Exhibit D-3)

- 2) The basis of the alleged overissuance was the inclusion of “Child [REDACTED]” in the Defendant’s assistance group (AG) in determining the amount of her SNAP benefits. (Exhibit D-3)
- 3) Child [REDACTED] was included in the determination of the Defendant’s SNAP benefit amount because the Defendant reported the child as present in her home on multiple SNAP review documents she signed during the period in question. (Exhibits D-4, D-5, D-6, D-8, and D-9)
- 4) Child [REDACTED] did not reside with the Defendant as of February 2, 2015. (Exhibit D-10)
- 5) The SNAP eligibility worker for the Defendant’s case was advised of the change in Child [REDACTED] placement status via data exchange between the systems used to maintain foster care and adoption cases (“FACTS”) and SNAP and other public assistance cases (“RAPIDS”). This data exchange notes a “match date” of June 14, 2016.
- 6) The Movant contended the action of the Defendant to conceal information regarding her household income 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 “concealed or withheld facts” for purposes of SNAP eligibility.

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

DISCUSSION

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

To show the Defendant committed an IPV, the Movant must prove, by clear and convincing evidence, that the Defendant intentionally concealed or withheld facts pertinent to her SNAP eligibility.

The testimony and evidence presented by the Movant clearly show an action that meets the codified IPV definition. The Defendant repeatedly made false statements regarding her household composition – listing a child that no longer resided in her home. The Movant administers SNAP and additionally handles foster care and adoption cases, and shared correct information regarding the Defendant’s household composition internally via data exchange in

June 2016. However, by the time this information could have been used by the SNAP eligibility worker the Defendant had already made three false statements listing “Child [REDACTED]” in her home. The Movant clearly should have used this information to correct the case earlier than it did, but this error does not change the fact the Defendant explicitly lied on three SNAP application or review documents.

The facts of the case show by clear and convincing evidence that the Defendant committed an IPV. As the Defendant has no prior IPV disqualifications, the Movant is correct to disqualify the Defendant from SNAP participation for one year.

CONCLUSION OF LAW

Because the action of the Defendant constitutes an IPV, the Movant must disqualify the Defendant from receipt of SNAP benefits, and because the IPV is a first offense the disqualification period is one year.

DECISION

It is the finding of the State Hearing Officer that the Defendant committed an Intentional Program Violation. The Defendant will be disqualified from receipt of SNAP benefits for a period of one year, beginning April 1, 2018.

ENTERED this ____ Day of February 2018.

**Todd Thornton
State Hearing Officer**