



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

Bill J. Crouch
Cabinet Secretary

Board of Review
State Capitol Complex
Building 6, Room 817-B
Charleston, West Virginia 25305
Telephone: (304) 352-0805 Fax: (304) 558-1992

Jolynn Marra
Interim Inspector General

August 31, 2021

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 21-BOR-1765

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: 21-BOR-1765

**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 July 7, 2021. 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 August 24, 2021.

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 | Benefit Recovery Referral regarding the Defendant, dated February 3, 2021 |

- D-3 SNAP Claim Determination form
SNAP Claim Calculation sheets
Screen prints from the Movant's data system regarding the Defendant's household
Screen print of Electronic Disqualified Recipient System (eDRS) query for the Defendant
- D-4 SNAP review form, signed June 26, 2019
- D-5 Income verification for the Defendant's son from [REDACTED]
- D-6 Income verification for the Defendant from [REDACTED]
- D-7 Application for Low Income Energy Assistance Program (LIEAP), signed December 12, 2019
- D-8 SNAP review documents, signed December 29, 2019
Screen prints from the Movant's data system regarding the Defendant's household
- D-9 Screen prints from the Movant's data system regarding the Defendant's household; Income verification request, dated March 3, 2021
- D-10 SNAP review documents, signed June 27, 2020
- D-11 West Virginia Income Maintenance Manual (WVIMM) excerpt
Chapter 1, §1.2.4
- D-12 WVIMM excerpt
Chapter 11, §11.2
- D-13 WVIMM excerpt
Chapter 11, §11.6
- D-14 ADH documents, dated June 23, 2021
Advance Notice of Administrative Disqualification Hearing Waiver
Waiver of Administrative Disqualification Hearing

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 Defendant received an overissuance of SNAP benefits between August 2019 and January 2021. (Exhibit D-3)
- 2) The basis of the overissuance was household income sources not considered in the determination of the SNAP benefit amount for the Defendant.

- 3) These income sources – the Defendant’s wages from employment and the wages of her son from employment – were not considered in the determination of the Defendant’s SNAP benefit level because it was not reported by the Defendant on multiple application or review document forms.
- 4) The Defendant’s son was hired for employment by [REDACTED] on April 27, 2019. (Exhibit D-5)
- 5) The Defendant signed a SNAP review document on June 26, 2019, certifying her statements on the form were “true and correct” to the best of her knowledge. (Exhibit D-4)
- 6) The Defendant’s SNAP review form from June 2019 (Exhibit D-4) included an earned income section, in which the Defendant certified that her household gross earned income was zero, that there was no change in this amount by more than \$100, and that there was no change in earnings resulting from a new job.
- 7) At the time of the June 2019 SNAP review, the Defendant’s son was continuing to receive earned income from the onset of employment in April 2019 (Exhibit D-5).
- 8) The Defendant’s son was hired for employment by [REDACTED], from January 10, 2020, through August 14, 2020. (Exhibit D-9)
- 9) The Defendant’s son received quarterly wages from this employer – identified as “[REDACTED]” – during the second and third quarters of 2020 (Exhibit D-9).
- 10) The Defendant signed a SNAP review document on June 27, 2020 (Exhibit D-10), certifying a household gross earned income amount of zero, no change in this income amount by more than \$100, and no change in earnings resulting from the onset of employment.
- 11) The Movant contended the action of the Defendant to conceal information regarding her household income constituted an Intentional Program Violation (IPV) and requested this hearing for the purpose of making that determination.
- 12) The Defendant has no prior IPV offenses. (Exhibit D-3)

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 “concealed or withheld facts” for purposes of SNAP eligibility.

The West Virginia Income Maintenance Manual (WV IMM), Chapter 3.2.1.B.5, indicates a first offense IPV results in a one-year disqualification from SNAP.

DISCUSSION

The Movant requested this hearing to determine if the Defendant committed an Intentional Program Violation (IPV) and thus should be disqualified from the Supplemental Nutrition Assistance Program (SNAP) for 12 months. To show the Defendant committed an IPV, the Movant must provide clear and convincing evidence that the Defendant intentionally concealed or withheld facts pertinent to his SNAP eligibility.

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

The testimony and evidence presented by the Movant show a violation of SNAP regulations by the Defendant that meets the IPV definition. The Defendant’s son was hired on April 27, 2019, and was continuing to receive earned income in June 2019 when the Defendant reported zero household income, no significant change in household income, and no change in income resulting from the onset of employment. The Defendant’s son was hired for another job on January 10, 2020, and was continuing to receive earned income in June 2020 when the Defendant completed a second SNAP review and again withheld this income information. These factors resulted in a SNAP overissuance spanning multiple years, and clearly demonstrate an intentional violation of SNAP rules.

The Movant has proven 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 (IPV). The Defendant will be disqualified from receipt of SNAP benefits for a period of one year, beginning October 1, 2021.

ENTERED this ____ Day of August 2021.

**Todd Thornton
State Hearing Officer**