



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

Jeffrey H. Coben, M.D.  
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Sheila Lee  
Interim Inspector General

December 28, 2022

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 22-BOR-2352

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 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,

Lori Woodward, J.D.  
Certified State Hearing Officer  
Member, State Board of Review

Encl: Recourse to Hearing Decision  
Form IG-BR-29

cc: Donald Greathouse, IFM, [REDACTED] DHHR

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

██████████,

**Defendant,**

v.

**Action No: 22-BOR-2352**

**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 October 25, 2022. 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 December 14, 2022.

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 therefore should be disqualified from the Supplemental Nutrition Assistance Program (SNAP) for 12 months.

At the hearing, the Movant appeared by Donald Greathouse with Investigations and Fraud Management. The Defendant failed to appear. Mr. Greathouse was placed under oath, and the following documents were admitted into evidence:

**Movant's Exhibits:**

- M-1 Benefit Recovery Referral (BVRF), dated April 27, 2022
- M-2 SNAP Claim Determination; Case Benefit Summary Screen print
- M-3 Letter (ig-ifm-SuspectLetter) sent to Defendant, dated September 23, 2022
- M-4 Advance Notice of Administrative Disqualification Hearing Waiver (ig-ifm-ADH-Ltr), dated October 12, 2022; Waiver of Administrative Disqualification Hearing (ig-ifm-Waiver)
- M-5 eRAPIDS case comments screen print, dates May 18, June 1, and June 2, 2021
- M-6 PATH application submitted on May 17, 2021
- M-7 eRAPIDS case comments screen print, dates September 7, September 9, October 6, October 8, and November 3, 2021
- M-8 Supplemental Nutrition Assistance Program (SNAP) – 6 or 12 month contact form (PRC2), signed and dated September 30, 2021

- M-9 eRAPIDS case comments screen print, dates April 2, April, 5, April 11, April 27, and September 19, 2022
- M-10 Signed Supplemental Nutrition Assistance Program (SNAP) review form (CSLE) and Rights and Responsibilities, received by local office April 14, 2022
- M-11 [REDACTED] Employee Wage Data screen print from third quarter 2019 to second quarter 2022
- M-12 Electronic Disqualified Recipient System (EDRS) screen print
- M-13 Code of Federal Regulations, 7 CFR §273.16
- M-14 West Virginia Income Maintenance Manual, Chapter, §11.2, *et. seq.*
- M-15 West Virginia Income Maintenance Manual, Chapter, §3.2.1.A
- M-16 West Virginia Income Maintenance Manual, Chapter, §1.2.4

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 that the Defendant committed an Intentional Program Violation (IPV) by falsely reporting on her May 17, 2021 PATH application, May 18, 2021 telephone interview, September 30, 2021 PRC2, and the April 14, 2022 CSLE that there was no earned income in her household. The Movant requested that an IPV penalty of 12 months be imposed against her.
- 2) The Defendant was notified of the hearing by scheduling order mailed on October 26, 2022. The Defendant failed to appear for the hearing or provide good cause for her failure to do so. In accordance with 7 CFR §273.16(e)(4) and West Virginia Department of Health and Human Resources' Common Chapters Manual, §740.20, the hearing was held without the Defendant in attendance.
- 3) The Defendant applied for SNAP benefits for herself, her boyfriend, [REDACTED], and his adult son [REDACTED] on May 17, 2021, only claiming unearned income for herself and [REDACTED]. (Exhibit M-6)
- 4) During the SNAP application telephone interview on May 18, 2021, the Defendant reported no income for [REDACTED]. (Exhibit M-5)
- 5) On September 30, 2021, the Defendant completed a SNAP 6 or 12 month contact form (PRC2) reporting that [REDACTED] had no earned income. (Exhibits M-8 and M-7)
- 6) On April 14, 2022, the Defendant submitted a SNAP review form (CSLE) reporting no earned income for [REDACTED]; however, on her April 27, 2022 SNAP review telephone interview, she did report [REDACTED] earned income. (Exhibits M-9 and M-10)

- 7) [REDACTED] had been receiving earned income since the third quarter of 2019. (Exhibit M-11)
- 8) [REDACTED] quarterly earnings for the second quarter of 2021 equaled \$563.01 but increased in subsequent quarters. (Exhibit M-11)
- 9) The Defendant intentionally made false statements regarding [REDACTED] earned income on her September 30, 2021 PRC2 and April 14, 2022 CSLE form.

### **APPLICABLE POLICY**

Code of Federal Regulations, 7 CFR §273.16, mandates that an Intentional Program Violation shall consist of a SNAP recipient 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 for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of coupons, authorization cards or reusable documents used as part of an automated benefit delivery system or access device.

WV IMM, Chapter 11, §11.2.3.B, states that IPV's include making false or misleading statements, misrepresenting facts, concealing or withholding information, and committing any act that violates the Food Stamp Act of 1977, SNAP regulations, or any State statute related to the use, presentation, transfer, acquisition, receipt, or possession of SNAP benefits. The client(s) who is found to have committed an IPV is ineligible to participate in the program for a specified time, depending on the number of offenses committed.

WV IMM, Chapter 3, §3.2.1.B.5, explains that persons who have been found guilty of an IPV are disqualified as follows:

- First offense: One year
- Second offense: Two years
- Third offense: Permanent

West Virginia Income Maintenance Manual, Chapter 1, §1.2.4, states that the client's responsibility is to provide complete and accurate information about his/her circumstances so that the worker is able to make a correct determination about his/her eligibility.

### **DISCUSSION**

Federal regulations define an IPV as making a false statement related to the acquisition of SNAP benefits. The Defendant completed her SNAP application on May 18, 2021, reporting her Assistance Group (AG) included her boyfriend, [REDACTED], and his adult son, [REDACTED], and that there was no earned income in the AG. On September 30, 2021, the Defendant completed a PRC2 form, reporting no earned income in the household. On April 14, 2022, the Defendant completed a CSLE SNAP review form again claiming no earned income in the

household. However, the Defendant did report that [REDACTED] was receiving earned income during the April 27, 2022 telephone interview for the SNAP review.

There was no clear and convincing evidence presented to show that the Defendant's AG was receiving earned income at the time of her SNAP application on May 17, 2021 and subsequent telephone interview on May 18, 2021 because an exact date of when [REDACTED] began receiving earned income during the second quarter of 2021 was not established. The evidence presented only showed that [REDACTED] received a total of \$563.01 sometime in the second quarter of 2021.

However, regarding the allegation of a false statement on her September 30, 2021 PRC2, the evidence clearly showed that [REDACTED] began receiving earned income in the third quarter of 2021 of \$3,002.72, the fourth quarter of 2021 of \$8,219.18, the first quarter of 2022 of \$6,618.24, however, this amount reduced again in the second quarter of 2022 to \$484. These quarterly earned income amounts did show he was working. The Defendant falsely reported there was no earned income in her AG on her September 30, 2021 PRC2. It is also noted that the Defendant reported no earned income in her AG on her April 14, 2022 CSLE form, but on her April 27, 2022 telephone interview, she reported that [REDACTED] has been back to work since October or November 2021. These were also false statements as the evidence showed that he had been receiving earned income. The Defendant did not appear for the hearing, and as such could not dispute facts presented by the Movant.

The Defendant clearly made a false statement on her September 30, 2021 SNAP PRC2 contact form and on her April 14, 2022 CSLE SNAP review form and during her April 27, 2022 telephone interview, which meets the definition of an IPV. The Movant established by clear and convincing evidence the intent of the Defendant to provide a false statement to receive SNAP benefits for which she would not have otherwise been entitled.

### **CONCLUSIONS OF LAW**

- 1) The Defendant's AG was receiving earned income at the time she completed her SNAP PRC2 contact form on September 30, 2021 and her CSLE form submitted on April 14, 2022.
- 2) The Defendant falsely stated on her April 27, 2022 SNAP telephone interview that [REDACTED] had been back to work since October of November 2021.
- 3) Defendant's intentional false statement and withholding of information meet the definition of an Intentional Program Violation.
- 4) As this is the Defendant's first IPV offense, she is subject to a one year disqualification from participation in SNAP.

**DECISION**

It is the ruling of the State Hearing Officer that the Defendant committed an Intentional Program Violation. The Defendant will be disqualified from participation in SNAP for a period of one year to begin effective February 1, 2023.

ENTERED this 28<sup>th</sup> day of December 2022.

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**Lori Woodward, Certified State Hearing Officer**