September 10, 2014

Dear [Name],

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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

cc: Board of Review
Gina Grubb, WVDHHR
DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from an Administrative Disqualification Hearing for [redacted] requested by the Movant on May 16, 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 Section 273.16. The hearing was convened on August 27, 2014.

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

At the hearing, the Department appeared by Gina Grubb, Repayment Investigator, WVDHHR. The Defendant failed to appear.

All participants were sworn and the following documents were admitted into evidence.

Movant’s Exhibits:

M-1 Benefit Recovery Referral information
M-2 West Virginia Income Maintenance Manual Chapter 1.2.E
M-3 Code of Federal Regulations Section 273.16
M-4 Combined Application and Review Form signed by Defendant on August 30, 2011
M-5 Rights and Responsibilities signed by Defendant on August 30, 2011
M-6 West Virginia CHIP Review signed by Defendant on December 23, 2011
M-7 WV INROADS application/review completed by Defendant on February 7, 2012
M-8 WV INROADS application/review completed by Defendant on February 7, 2013
FINDINGS OF FACT

1) A request for an Administrative Disqualification Hearing was received by the Board of Review from the West Virginia Department of Health and Human Resources, hereinafter Movant, on May 16, 2014. Movant contends that the Defendant has committed an Intentional Program Violation (IPV) and is recommending that the Defendant be disqualified from participation in the Supplemental Nutrition Assistance Program (SNAP), formerly Food Stamp Program, for a period of 12 months.

2) Notification of the August 27, 2014 hearing was mailed to the Defendant on July 17, 2014, via First Class U. S. Mail, as the Defendant is a current recipient of Department benefits and resides at a confirmed address.

3) The hearing convened as scheduled at 3 p.m., and as of 3:15 p.m., the Defendant failed to appear. As set forth in the Code of Federal Regulations found at §7 CFR 273.16 (e) (4), and the West Virginia Department of Health and Human Resources Common Chapters Manual Chapter 740.20, the hearing was conducted without the Defendant in attendance.

4) Gina Grubb, Repayment Investigator for the Department, testified that on August 30, 2011, the Defendant and completed a SNAP application (M-4). At that time,
the Defendant reported a household of five (consisting of the Defendant, Mr. ____ and the Defendant’s three children). At the time of application, the Defendant reported her own earned income, but Mr. ____ reported that he had quit his job, having received his final pay on August 15, 2014 (see Case Comments, Exhibit M-11). The Defendant signed Rights and Responsibilities (M-5), indicating that she had provided accurate information to the Department.

5) The Defendant completed a West Virginia CHIP Review on December 23, 2011 (M-6), reporting no changes in the household’s composition or gross income.

6) On February 7, 2012, the Defendant completed a SNAP application/review via WV INROADS (M-7), reporting no income for the household and no changes in household composition (see Case Comments, Exhibit M-11).

7) On February 7, 2013, the Defendant completed a SNAP application/review via WV INROADS (M-8), reporting her own earned income. She reported no employment/income for Mr. ____ at that time.

8) Exhibits M-9 and M-10 reveal that Mr. ____ had earned income from ____ during the third quarter of 2011 through the fourth quarter of 2012, and from ____ from September 19, 2012 through January 23, 2013.

9) As a result of the Defendant’s failure to report Mr. ____ earned income, Investigator Grubb contends that the Defendant received $2,828 in SNAP benefits to which she was not entitled for the period of September 2011 through February 2012, and $1,347 to which she was not entitled for the period of December 2012 through February 2013 (see Exhibit M-15).

**APPLICABLE POLICY**

West Virginia Income Maintenance Manual Chapter 1.2.E (M-2) states that it is the client’s responsibility to provide information about his/her circumstances so the worker is able to make a correct decision about his/her eligibility.

West Virginia Income Maintenance Manual Chapter 20.2 states that when an Assistance Group (AG) has been issued more SNAP benefits than it was entitled to receive, corrective action is taken by establishing either an Unintentional Program Violation or Intentional Program Violation claim. The claim is the difference between the allotment the client received and the allotment he should have received.

West Virginia Income Maintenance Manual Chapter 20.2(C)(2) provides that once an IPV (Intentional Program Violation) is established, a disqualification penalty is imposed on the AG members who committed the IPV. The penalties are as follows: (Chapter 9.1, A, 2, h) 1st
Offense: 1 year (Disqualification); 2\textsuperscript{nd} Offense: 2 years (Disqualification); 3\textsuperscript{rd} Offense: Permanent.

**DISCUSSION**

Evidence demonstrates that the Defendant completed four applications and/or case redeterminations with the Department between August 2011 and February 2013, failing to report the earned income of [REDACTED]. Therefore, the Department has appropriately established that the Defendant committed an Intentional Program Violation.

**CONCLUSIONS OF LAW**

The Department acted correctly in proposing the Defendant's disqualification from the SNAP based on the commission of an Intentional Program Violation. The one-year disqualification period will begin effective October 1, 2014.

**DECISION**

The Department’s proposal to apply a one (1)-year SNAP benefit disqualification is **upheld**.

ENTERED this 10\textsuperscript{th} Day of September 2014.

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Pamela L. Hinzman
State Hearing Officer