



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

June 27, 2016



RE: [REDACTED] v. WVDHHR
ACTION NO.: 16-BOR-1481

Dear Mr. [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: Fred Francis, Department Representative

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

██████████,

Defendant,

v.

Action Number: 16-BOR-1481

**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 March 9, 2016. 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 May 11, 2016.

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 Fred Francis. The Defendant was notified of the hearing but 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	SNAP application/review documents, signed March 29, 2010
D-2	SNAP application/review documents, signed June 3, 2010
D-3	SNAP application/review documents, signed September 7, 2010
D-4	Emergency Assistance application documents, signed July 12, 2010
D-5	Income verification for the Defendant from ██████████
D-6	Statement from ██████████, dated July 22, 2013
D-7	Statement from ██████████, dated July 22, 2013

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 from April 2010 to September 2010 totaling \$2504.
- 2) The overissuance was based on the exclusion of the Defendant's earned income from the calculation of his SNAP benefits.
- 3) This income was not included in the calculation of the Defendant's SNAP benefits because the Defendant failed to report the income on applications or reviews for SNAP and related programs completed during this time period (Exhibits D-2, D-3 and D-4).
- 4) The Movant presented income verification (Exhibit D-5) for the Defendant. The Defendant was employed during the period in question.
- 5) The Movant contended the action of the Defendant to conceal information regarding his household income constitutes an Intentional Program Violation (IPV), and requested this hearing for the purpose of making that determination.
- 6) 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 testimony and evidence presented by the Movant clearly show an action that meets the codified IPV definition. The Defendant made multiple false statements regarding his household income. The Defendant did not offer testimony disputing any relevant facts related to the proposed IPV. The dollar amount and duration of the resulting overissuance is sufficient to indicate intent.

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

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 August 1, 2016.

ENTERED this ____ Day of June 2016.

**Todd Thornton
State Hearing Officer**