



July 18, 2024



RE: ██████████ v. INVESTIGATIONS AND FRAUD MANAGEMENT  
BOR Action No.: 24-BOR-2285

Dear ██████████:

Enclosed is a copy of the decision resulting from the Administrative Disqualification 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 Human Services. These same laws and regulations are used in all cases to ensure 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,

Eric L. Phillips  
State Hearing Officer  
Member, State Board of Review

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

cc: Taunya Holden, IFM

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW**

██████████,

**Defendant,**

**v.**

**Action Number: 24-BOR-2285**

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL  
INVESTIGATIONS AND FRAUD MANAGEMENT,**

**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 May 28, 2024. This hearing was held in accordance with the provisions found in Chapter 700 of the Office of Inspector General Common Chapters Manual and Federal Regulations at 7 CFR §273.16. The hearing convened on July 17, 2024.

The matter before the Hearing Officer arises from a request by the Movant for a determination as to whether the Defendant committed an Intentional Program Violation (IPV) and should be disqualified from the Supplemental Nutrition Assistance Program (SNAP) for a period of twelve (12) months

At the hearing, the Respondent appeared by Taunya Holden, Repayment Investigator. The Defendant appeared pro se. All witnesses were sworn and the following documents were admitted into evidence.

**Movant's Exhibits:**

- M-1 Code of Federal Regulations § 273.16
- M-2 West Virginia Income Maintenance Manual § 1.2.4
- M-3 West Virginia Income Maintenance Manual § 11.2.3
- M-4 West Virginia Income Maintenance Manual § 11.2
- M-5 West Virginia Income Maintenance Manual § 11.2.3.B
- M-6 West Virginia Income Maintenance Manual § 11.6
- M-7 Marriage Information
- M-8 Employment Information

- M-9 WV PATH Application dated March 10, 2023
- M-10 PRC2 dated July 28, 2023
- M-11 Emergency Assistance application dated December 12, 2023
- M-12 Waiver of Administrative Disqualification Hearing dated April 30, 2024
- M-13 Advance Notice of Administrative Disqualification Hearing dated April 30, 2024
- M-14 West Virginia Driver History Inquiry
- M-15 Food Stamp Calculation Sheet

**Defendant's Exhibits:**

None

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 by falsely reporting her household composition and requested that a twelve (12)-month penalty be imposed against the Defendant.
- 2) The Defendant was notified of the hearing by scheduling order on June 13, 2024, to the address of [REDACTED].
- 3) The Defendant failed to appear for the hearing. In accordance with 7 CFR §§273.16 (e)(3) and 273.16(e)(4) and West Virginia Office of Inspector General Common Chapters Manual, §740.20, the hearing was held without the Defendant in attendance.
- 4) The Appellant married her husband, [REDACTED], on November 14, 2020. (Exhibit M-7)
- 5) The Appellant's husband had earned income from his employment with [REDACTED], commencing on December 7, 2018. (Exhibit M-8)
- 6) The Appellant and her husband resided at [REDACTED] (Exhibit M-14)
- 7) On March 10, 2023, the Appellant completed a SNAP and Medicaid application for herself and her daughter. (Exhibit M-9)
- 8) On July 28, 2023, the Appellant completed a recertification of benefits identifying herself and her daughter as the only members of the household. (Exhibit M-10)
- 9) On December 12, 2023, the Appellant completed an Emergency Assistance application for herself, daughter, and husband. (Exhibit M-11)

## **APPLICABLE POLICY**

### **Code of Federal Regulations, 7 CFR §273.16 documents:**

An individual making a false or misleading statement, or misrepresenting, concealing, or withholding facts, violating the Food Stamp Program (SNAP), or any State statute for the purpose of acquiring, receiving, possessing, or trafficking of coupons, authorization cards or reusable documents used as part of an automated benefit delivery system has committed an Intentional Program Violation (IPV).

### **Code of Federal Regulations, 7 CFR §273.16(b) documents:**

(1) Individuals found to have committed an Intentional Program Violation either through an administrative disqualification hearing or by a Federal, State or local court, or who have signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement in cases referred for prosecution, shall be ineligible to participate in the Program:

(i) For a period of twelve months for the first Intentional Program Violation, except as provided under paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section;

(ii) For a period of twenty-four months upon the second occasion of any Intentional Program Violation, except as provided in paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section; and

(iii) Permanently for the third occasion of any Intentional Program Violation.

(13) The individual must be notified in writing once it is determined that he/she is to be disqualified. The disqualification period shall begin no later than the second month which follows the date the individual receives written notice of the disqualification. The disqualification period must continue uninterrupted until completed regardless of the eligibility of the disqualified individual's household.

### **West Virginia Income Maintenance Manual §1.2.4 documents:**

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 §11.2.3. B documents:**

IPVs 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.

**West Virginia Income Maintenance Manual §3.2.1. B.5 documents:**

Persons who have been found guilty of an IPV are disqualified as follows:

- First offense – one-year disqualification
- Second offense - two-year disqualification
- Third offense - permanent disqualification

**DISCUSSION**

The Movant requested an Administrative Disqualification Hearing from the Board of Review citing that the Defendant committed an Intentional Program Violation (IPV) by willfully misrepresenting her household composition. Specifically, the Movant contends that the Defendant failed to include her husband in her assistance group at SNAP applications and benefit recertifications.

The Movant requested that the Defendant be disqualified from receiving SNAP benefits for a period of twelve (12) months.

For purposes of the Administrative Disqualification Hearing, the Movant must prove by clear and convincing evidence that the Defendant intentionally made false or misleading statements, misrepresented, concealed, or withheld facts to obtain SNAP assistance to which she was not entitled.

The Movant contends that the Defendant and her husband were married on November 14, 2020, and both shared the same address of [REDACTED]. The Defendant's husband's income was excessive for SNAP eligibility and the Defendant failed to include her husband at her initial March 2023 application for SNAP benefits and her recertification for benefits in the same year.

The Defendant had the opportunity and responsibility to report her husband in the assistance group on both occasions and failed to do so. The Defendant's action meets the definition of an Intentional Program Violation. Therefore, the Movant's proposal to impose a 12-month IPV is affirmed.

**CONCLUSIONS OF LAW**

- 1) The Defendant made a false statement on an October 2023 SNAP application by failing to report her husband and his income in her assistance group.
- 2) The Defendant and her husband were married in 2020 and shared the same address.

- 3) The Defendant's husband's income was excessive for the household's SNAP eligibility.
- 4) The act of making a false statement to obtain SNAP benefits constitutes an Intentional Program Violation.
- 5) The penalty for a first-offense Intentional Program Violation is exclusion from participation in SNAP for 12 months.

### **DECISION**

It is the finding of the State Hearing Officer that the Defendant committed an Intentional Program Violation. The Movant's proposal to impose a 12-month IPV penalty on SNAP benefits is UPHELD, effective September 1, 2024.

**ENTERED this \_\_\_\_\_ day of July 2024 .**

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**Eric L. Phillips  
State Hearing Officer**