



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH
Office of the Inspector General
Board of Review**

**Sherri A. Young, DO, MBA, FAAFP
Cabinet Secretary**

**Christopher G. Nelson
Interim Inspector General**

January 18, 2024

[REDACTED]

RE: [REDACTED] v. DEPARTMENT OF HEALTH INVESTIGATIONS AND FRAUD
MANAGEMENT
ACTION NO.: 23-BOR-3449

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 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,

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

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

cc: Lisa Snodgrass, IFM

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

[REDACTED],

Defendant,

v.

Action Number: 23-BOR-3449

**WEST VIRGINIA DEPARTMENT OF HEALTH
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 [REDACTED] requested by the Movant on November 20, 2023. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Office of Inspector General Common Chapters Manual and Federal Regulations at 7 CFR § 273.16. The hearing was convened on January 9, 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 and should thus be disqualified from the Supplemental Nutrition Assistance Program (SNAP) for 12 months.

At the hearing, the Movant appeared by Lisa Snodgrass, Repayment Investigator, Investigations and Fraud Management. Appearing as a witness for the Movant was Jerri Smith, Fraud Investigator, Investigations and Fraud Management. The Defendant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Movant's Exhibits:

- M-1 Investigation notification sent to Defendant on November 2, 2023, with Waiver of Administrative Disqualification hearing, Advance Notice of Administrative Disqualification Hearing sent to Defendant on November 16, 2023, and Repayment Agreement
- M-2 Individual SNAP IPV Disqualification information from Movant's computer system
- M-3 Redacted electronic mail transmission to DHHR IFM State Office dated June 21, 2020, redacted Witness Statement dated March 11, 2021, Front-End Fraud Unit Investigative Findings dated July 8, 2021, vehicle registration information for [REDACTED], General Case Information from Movant's computer system, and Address Information Request sent to U.S. Postal Service in March 2021
- M-4 Employment information from [REDACTED] for [REDACTED] dated December 21, 2023, and Wage History

- M-5 Front-End Fraud Unit Investigative Findings dated August 14, 2023, and Lease Agreement from [REDACTED]
- M-6 SNAP and Medicaid application submitted on May 27, 2018, Medicaid redetermination submitted on September 18, 2018, SNAP and Medicaid application submitted on September 26, 2019, SNAP and Medicaid redetermination submitted on September 23, 2020, Change of Circumstances information submitted on September 23, 2020, SNAP 6 or 12 Month Contact Form submitted on April 14, 2021, Medicaid redetermination submitted on October 11, 2021, SNAP application submitted on November 18, 2021, SNAP 6 or 12 Month Contact Form submitted on April 19, 2022, SNAP redetermination submitted on September 28, 2022, and SNAP 6 or 12 Month Contact Form submitted on April 12, 2023
- M-7 Employee Wage Data, Benefit Payment History, and income verification for Defendant
- M-8 Food Stamp Claim Determination forms, Cash Assistance Claim Determination forms, Benefit Recovery Referrals, Food Stamp Claim Calculation Sheets, and Case Benefit Summaries
- M-9 West Virginia Income Maintenance Manual Chapter 4, Appendix A (Income Charts) effective dates January 1, 2018, through December 1, 2023
- M-10 West Virginia Income Maintenance Manual Chapters 1.2.4, 10.4, 3.2, 1.4, 4.4.3, 11.2, 11.6 and 19.4
- M-11 Code of Federal Regulations Section 273.16

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) A request for an Administrative Disqualification Hearing was received by the Board of Review from the Department's Investigations and Fraud Management Unit, hereinafter referred to as Movant, on November 20, 2023.
- 2) The Movant contends that the Defendant committed an Intentional Program Violation (IPV) and recommends that the Defendant be disqualified from participation in the Supplemental Nutrition Assistance Program (SNAP), formerly Food Stamp Program, for a period of 12 months.
- 3) The Investigations and Fraud Management (IFM) Unit received referrals regarding the Defendant's SNAP case in 2020 and 2021 (Exhibit M-3).

- 4) The IFM Front-End Fraud Unit conducted an investigation and determined that [REDACTED] [REDACTED] resided at [REDACTED] with the Defendant, their child, [REDACTED] and the Defendant's daughter, [REDACTED] (Exhibits M-3 and M-5).
- 5) The Front-End Fraud Unit received an electronic mail transmission (reporter's name redacted) on June 21, 2020, alleging fraud by the Defendant and [REDACTED]. The reporter alleged that the Defendant and [REDACTED] resided together at [REDACTED], and that [REDACTED] was employed full-time as a mechanic with [REDACTED] (Exhibit M-3).
- 6) The Front-End Fraud Unit obtained a statement from a [REDACTED] neighbor (name redacted) in March 2021 that states a man, a woman and two children resided at the Defendant's residence on [REDACTED] (a rental property) and the adult male worked for [REDACTED] (Exhibit M-3).
- 7) An Address Information Request submitted to the U.S. Postal Service in 2021 listed [REDACTED] mailing address as [REDACTED] (Exhibit M-3).
- 8) [REDACTED] was hired by [REDACTED] on November 11, 2020. At the time of his initial employment, [REDACTED] listed his address as [REDACTED]. His current address is listed as [REDACTED] (Exhibit M-4).
- 9) A Lease Agreement for [REDACTED], for the period beginning February 25, 2023, lists the Defendant and [REDACTED] as tenants who have rented the property for \$1,000 per month (Exhibit M-5).
- 10) The Defendant submitted a SNAP and Medicaid application on May 27, 2018, for herself with an address of [REDACTED]. The application indicates that the Defendant was pregnant with a due date of July 8, 2018 (Exhibit M-6).
- 11) The Defendant submitted a Medicaid application on September 18, 2018, listing herself, female, [REDACTED] age 4, and infant female, [REDACTED], in the household. The Defendant's address is listed as [REDACTED] (Exhibit M-6).
- 12) The Defendant submitted a SNAP and Medicaid application on September 26, 2019, listing herself, [REDACTED] and [REDACTED] in the household at [REDACTED] (Exhibit M-6).
- 13) The Defendant submitted a SNAP and Medicaid redetermination on September 23, 2020, listing herself, [REDACTED] and [REDACTED] in the household at [REDACTED] (Exhibit M-6).
- 14) The Defendant submitted a SNAP 6 or 12 Month Contact Form on April 14, 2021, listing herself, [REDACTED] and [REDACTED] in the household at [REDACTED] (Exhibit M-6).
- 15) The Defendant submitted a Medicaid redetermination on October 11, 2021, listing herself, [REDACTED] and [REDACTED] in the household at [REDACTED] (Exhibit M-6).

- 16) The Defendant submitted a SNAP application on November 18, 2021, listing herself, [REDACTED] and [REDACTED], in the household at [REDACTED] (Exhibit M-6).
- 17) The Defendant submitted a SNAP 6 or 12 Month Contact Form on April 19, 2022, listing herself, [REDACTED] and [REDACTED] in the household at [REDACTED] (Exhibit M-6).
- 18) The Defendant submitted a SNAP redetermination on September 28, 2022, listing herself, [REDACTED] and [REDACTED], in the household at [REDACTED] (Exhibit M-6).
- 19) The Defendant submitted a SNAP 6 or 12 Month Contact Form on April 12, 2023, listing herself, [REDACTED] and [REDACTED] in the household. The Defendant reported a change of address to [REDACTED] [REDACTED] (Exhibit M-6).
- 20) As a result of inaccurate reporting of household composition, the Movant contends that the Defendant received SNAP benefits to which she was not entitled for the periods of August 2018 through January 2019, March 2019 through July 2021, and November 2021 through September 2023 (Exhibit M-8).

APPLICABLE POLICY

Code of Federal Regulations Section 273.16.c.1 states that an Intentional Program Violation includes committing an 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 as part of an automated benefit delivery system (access device).

West Virginia Income Maintenance Manual Chapter 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.

West Virginia Income Maintenance Manual Chapter 3.2.1.B.5 states that persons who have been found guilty of an IPV are disqualified as follows: First offense, one-year disqualification; second offense, two-year disqualification; and third offense, permanent disqualification.

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

West Virginia Income Maintenance Manual Chapter 3.2.1.A.4 states that natural or adopted children who are under 22 years of age and who live with a parent must be in the same SNAP Assistance Group as that parent.

DISCUSSION

Regulations specify that an Intentional Program Violation includes committing an 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 as part of an automated benefit delivery system (access device). IPV's include making false or misleading statements, misrepresenting facts, or concealing or withholding information. An individual found to have committed an IPV is ineligible to receive SNAP benefits for a specified time, depending on the number of offenses committed.

The Defendant testified that [REDACTED] did not reside with her at the [REDACTED] residence. She stated that after she gave birth to their daughter in 2018, she did not pursue a relationship with [REDACTED] due to his alcohol and mental health issues. The Defendant stated that she had almost no contact with [REDACTED] from 2018 to 2020, and that he started to seek help with his issues when their daughter was two years old. At that time, the Defendant allowed [REDACTED] to come to her home for visits or take their daughter to his mother's home. She contended that [REDACTED] was involved in multiple relationships during that time, living in different locations. She also indicated that she was in a relationship with another person for about six months in 2020 or 2021. The Defendant alleged that the letter received by the fraud unit in 2020 was likely written by one of [REDACTED] ex-girlfriends who indicated she would try to ruin the Defendant's life. She testified that [REDACTED] had asked to use the [REDACTED] address as his mailing address because he did not have a permanent mailing address, and that he slept on the couch a few times when she lived on [REDACTED]. The Defendant stated that she advised her case worker of the situation in 2021. In early 2023, the Defendant began a relationship with [REDACTED]. She admitted that they moved in together at the [REDACTED] Road residence on February 25, 2023, but contended that she did not intentionally deceive the Respondent about her living arrangement.

The Respondent's witness, Jerri Smith, testified that she made her investigative findings based on the totality of evidence from the neighbor's statement, the lease agreement, and address information for [REDACTED] from [REDACTED] the U.S. Postal Service, and the Division of Motor Vehicles.

The Defendant had submitted a SNAP 6 or 12 Month Contact Form to the Respondent on April 12, 2023, listing herself, [REDACTED] and [REDACTED] in the household and reporting a change of address to [REDACTED]. The Defendant admitted during the hearing that she had been residing with [REDACTED] at the [REDACTED] residence since February 2023. Therefore, evidence is clear and convincing that the Defendant committed an Intentional Program Violation based on failing to report her accurate living situation as of February 2023. Therefore, the Respondent's proposal to impose an IPV penalty is correct.

CONCLUSIONS OF LAW

- 1) An Intentional Program Violation can be established when an individual misrepresents his/her case circumstances to receive SNAP benefits to which he/she is not entitled.
- 2) The Defendant failed to report that she resided with her daughter's father as of February 2023 and, therefore, received SNAP benefits to which she was not entitled.
- 4) The Movant provided clear and convincing evidence to support the imposition of an Intentional Program Violation based on the Defendant's misrepresentation of household composition as of February 2023.
- 5) The Movant's proposal to apply an Intentional Program Violation to the Defendant's SNAP benefits is affirmed.

DECISION

The State Hearing Officer finds that the Defendant committed an Intentional Program Violation. The Movant's proposal to impose a 12-month IPV penalty on SNAP benefits is **UPHELD**. The penalty is effective March 2024.

ENTERED this 18th Day of January 2024.

Pamela L. Hinzman
State Hearing Officer

