



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

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

**Christopher G. Nelson
Interim Inspector General**

January 4, 2024

[REDACTED]

RE: [REDACTED] v. DEPARTMENT OF HEALTH INVESTIGATIONS AND FRAUD
MANAGEMENT
ACTION NO.: 23-BOR-3458

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 Division of Family Assistance. 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: Appellant's 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-3458

**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 Department of Human Services' Common Chapters Manual and Federal Regulations at 7 CFR § 273.16. The hearing was convened on January 2, 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 Linda Stover, 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 October 27, 2023, with Waiver of Administrative Disqualification hearing, Advance Notice of Administrative Disqualification Hearing sent to Defendant on November 8, 2023, with Waiver of Administrative Disqualification Hearing, and Repayment Agreement
- M-2 Individual SNAP IPV Disqualification information from Movant's computer system
- M-3 SNAP and Medicaid application submitted on July 14, 2021, SNAP redetermination form submitted on July 5, 2022, Medicaid application submitted on July 13, 2023, SNAP and Medicaid application submitted on August 5, 2023, SNAP 6 or 12 Month Contact Form submitted on December 29, 2020, SNAP 6 or 12 Month Contact Form submitted on January 4, 2022, and SNAP 6 or 12 Month Contact Form submitted on December 29, 2022
- M-4 Case Comments dated July 6, 2022, and August 11, 2023

- M-5 Address Information Requests submitted to U.S. Postal Service for Defendant and [REDACTED]
- M-6 Returned mail for Defendant
- M-7 Employment Data and Wage History for Defendant
- M-8 Employment Data and Wage History for [REDACTED]
- M-9 Address History for Defendant
- M-10 Front-End Fraud Unit Investigative Findings
- M-11 Copies of Facebook posts
- M-12 Food Stamp Claim Determination forms, Benefit Recovery Referrals, SNAP Claim Calculation Sheets, and Case Benefit Summaries
- M-13 Employee Wage Data and Benefit Payment History
- M-14 West Virginia Income Maintenance Manual Chapters 1.2.4, 10.4, 3.2, 1.4, 4.4.3, 11.2 and 11.6
- M-15 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 September and October 2023 (Exhibit M-12).
- 4) The referent alleged that the Defendant resides with [REDACTED], the father of her youngest child, and failed to report that [REDACTED] was a member of the household (Exhibit M-12).
- 5) The Investigations and Fraud Management Unit conducted an investigation and determined that [REDACTED] was a member of the Defendant's household and that he has been employed by [REDACTED] since January 2022 (Exhibits M-8 and M-10).

- 6) As a result of the investigative finding, the Movant determined that the Defendant received SNAP benefits to which she was not entitled for the months of February 2022 through October 2023 (Exhibit M-12).
- 7) The Defendant submitted a SNAP 6 or 12 Month Contact Form on December 21, 2020, indicating that she resided at [REDACTED], with her three children, [REDACTED]. (Exhibit M-3).
- 8) The Defendant completed a SNAP application on July 14, 2021, indicating that she resided at [REDACTED], with her three children (Exhibit M-3).
- 9) The Defendant submitted a SNAP 6 or 12 Month Contact Form on January 4, 2022, indicating that she resided at [REDACTED] with her three children (Exhibit M-3).
- 10) The Defendant completed a SNAP case redetermination on July 5, 2022, indicating that she resided at [REDACTED] with her three children (Exhibits M-3 and M-4).
- 11) The Defendant completed a Medicaid redetermination on July 13, 2023, indicating that she resided at [REDACTED], with her three children (Exhibit M-3).
- 12) The Defendant completed a SNAP application on August 5, 2023, indicating that she resided at [REDACTED], with her three children. When the Defendant was interviewed by a Department worker via telephone on August 11, 2023, she indicated that she was staying with a “friend” (Exhibits M-3 and M-4).
- 13) An Address Information Request dated March 8, 2023, and completed by the U.S. Postal Service indicates that the Defendant had moved from [REDACTED] and provided a forwarding address of [REDACTED] (Exhibit M-5).
- 14) An Address Information Request dated November 27, 2023, and completed by the U.S. Postal Service indicates that [REDACTED] last known address was [REDACTED].
- 15) Employment Data information for [REDACTED] indicates that his address upon initial employment with [REDACTED] was listed as [REDACTED] (Exhibit M-8).
- 16) The Defendant and [REDACTED] presented themselves as a couple on social media posts as far back as July 2020 (Exhibit M-11).

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 she has resided with [REDACTED] since January 2023 in a home that [REDACTED] purchased. She stated that they are not together as a couple because they have had difficulty getting along, but they remain friends. The Defendant indicated that [REDACTED] pays the mortgage and she pays utilities at the residence, and that [REDACTED] does not provide for her older children. She stated that she has taken vacations with [REDACTED]. The Defendant testified she was unaware that [REDACTED] had to be included in her SNAP Assistance Group and that she was not intentionally deceptive. The Defendant stated that [REDACTED] had only used the previous [REDACTED] address because he was residing with his parents and was having problems getting his

mail since he and his father have the same name. She stated that she and the children had resided at the previous [REDACTED] address.

The Defendant admitted that she has resided with the father of her youngest child since January 2023 while receiving SNAP benefits. Social media posts reveal that the Defendant and [REDACTED] have presented themselves as a couple since at least 2020 and [REDACTED] shared two previous street mailing addresses with the Defendant while she was receiving SNAP benefits for herself and her children. As a result of failure to accurately report household composition, the Defendant received SNAP benefits to which she was not entitled.

The Movant has provided clear and convincing evidence to demonstrate that the Defendant committed an Intentional Program Violation by providing inaccurate information concerning her household composition.

CONCLUSIONS OF LAW

- 1) An Intentional Program Violation can be established when an individual misrepresents his/her case circumstances.
- 2) The Defendant failed to report that she resided with her daughter's father 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.
- 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 February 2024.

ENTERED this 4th Day of January 2024.

Pamela L. Hinzman
State Hearing Officer

