



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
1400 Virginia Street  
Oak Hill, WV 25901

Earl Ray Tomblin  
Governor

Rocco S. Fucillo  
Cabinet Secretary

August 2, 2012

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Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held July 31, 2012. Your hearing request was based on the Department of Health and Human Resources' decision to establish a repayment claim of Supplemental Nutrition Assistance Program (SNAP) benefits against you.

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.

Eligibility for SNAP is based on current policy and regulations. These regulations provide that all adult members of the SNAP assistance group are equally liable debtors for repayment claims (WV Income Maintenance Manual § 20.2).

The information submitted at your hearing revealed that as an adult member of your parents' SNAP assistance group, you are responsible for the overpayment of SNAP benefits issued in their case.

It is the decision of the State Hearing Officer to **Uphold** the action of the Department to establish a repayment claim of SNAP benefits against you.

Sincerely,

Kristi Logan  
State Hearing Officer  
Member, State Board of Review

cc: Chairman, Board of Review  
Andrew Petitt, Criminal Investigator

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

**IN RE:**     -----,

**Respondent,**

**v.**

**ACTION NO.: 12-BOR-1331**

**WEST VIRGINIA DEPARTMENT OF  
HEALTH AND HUMAN RESOURCES,**

**Movant.**

**DECISION OF STATE HEARING OFFICER**

**I.     INTRODUCTION:**

This is a report of the State Hearing Officer resulting from a fair hearing for ----- held on July 31, 2012, by videoconference. This hearing was held in accordance with the provisions found in the West Virginia Department of Health and Human Resources' Common Chapters Manual, Chapter 700. This fair hearing was convened on a timely appeal, filed May 25, 2012.

**II.    PROGRAM PURPOSE:**

The purpose of the Supplemental Nutrition Assistance Program (SNAP) is to provide an effective means of utilizing the nation's abundance of food to safeguard the health and well-being of the nation's population and raise levels of nutrition among low-income households. This is accomplished through the issuance of benefits to households who meet the eligibility criteria established by the Food and Nutrition Service of the U.S. Department of Agriculture.

**III.   PARTICIPANTS:**

-----, Respondent  
-----, Witness for Respondent

Andrew Petitt, Criminal Investigator

Presiding at the hearing was Kristi Logan, State Hearing Officer and a member of the Board of Review.

**IV.    QUESTION TO BE DECIDED:**

The question to be decided is whether or not Respondent is responsible for a repayment of SNAP benefits.

**V. APPLICABLE POLICY:**

WV Income Maintenance Manual § 20.2

**VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:**

**Department's Exhibits:**

- D-1 Hearing Summary
- D-2 ----- County Circuit Court Orders dated April 9, 2012, for ----- and -----
- D-3 Case Members History Screen (AQCM) from RAPIDS Computer System
- D-4 Case Comments (CMCC) from RAPIDS Computer System
- D-5 SNAP Allotment Determination Screen (EFAD) from RAPIDS Computer System
- D-6 Non-Financial Eligibility Determination Screen (EEND) from RAPIDS Computer System
- D-7 SNAP Allotment Determination Screen (EFAD) from RAPIDS Computer System
- D-8 Non-Financial Eligibility Determination Screen (EEND) from RAPIDS Computer System
- D-9 Establish Claim Screen (BVCL) from RAPIDS Computer System
- D-10 WV Income Maintenance Manual § 20.2
- D-11 Overpayment Notification Letter dated April 20, 2012

**VII. FINDINGS OF FACT:**

- 1) On April 9, 2012, Respondent's parents, ----- and -----, pled guilty to welfare fraud in ----- County Circuit Court. ----- and ----- were ordered to pay restitution to the Department for an overpayment of SNAP benefits of \$8,532.95 that were issued from October 2004 through January 2008 (D-2).
- 2) On April 20, 2012, the Department sent an overpayment notification letter to Respondent that a repayment claim had been established against her of \$804 in SNAP benefits that were issued from October 2007 through January 2008 (D-11).
- 3) Andrew Petitt, Criminal Investigator, testified Respondent was a liable debtor for the repayment of her parents' SNAP benefits while she resided in their household and was included in their SNAP assistance group. Mr. Petitt stated Respondent had reported at her Medicaid application in April 2007 that she resided with her parents and was added to SNAP benefits in their case. Mr. Petitt stated Respondent is responsible to repay a

portion of the overpayment of SNAP benefits issued to her parents, as she is over age eighteen (18) and was included in the assistance group.

- 4) -----, Respondent's fiancé, testified he and Respondent were unaware that Respondent's parents had been receiving SNAP benefits for her. ----- stated Respondent moved in with him and his parents when they were sixteen (16) years old and were told Respondent was no longer included in the ----- case once she turned eighteen. ----- and Respondent applied for their own SNAP benefits in January 2008, when their daughter was born.
- 5) Respondent stated she did not know her parents were receiving SNAP for her during the time period in question. Respondent stated she and ----- were young and unaware of the SNAP application process. Respondent stated she did not understand how they were responsible for her parents' actions. Respondent stated they lived with her parents for some time in during 2007.
- 6) WV Income Maintenance Manual § 20.2 E states:

Collection action is initiated against the AG [assistance group] which received the overissuance. When the AG composition changes, collection is pursued against any and all AG's which include a liable debtor.

The following persons are equally liable for the total amount of the overpayment and are liable debtors:

- Adult or emancipated minors in the AG
- Disqualified individuals who would otherwise be required to be included
- An unreported adult who would have been required to be in the AG had he been reported
- Sponsors of alien AGs when the sponsor is responsible for the overpayment
- An authorized representative of an AG if he is responsible for the overpayment

#### **VIII. CONCLUSIONS OF LAW:**

- 1) Policy stipulates that all adult members of a SNAP assistance group are equally responsible for repaying an overpayment of SNAP benefits.
- 2) Respondent was residing in her parents' household and was included in their SNAP assistance group during the repayment period of October 2007 through January 2008. Respondent's parents were court ordered to repay SNAP benefits for which they were

not eligible to receive and Respondent is responsible to repay the portion of SNAP benefits issued during the time period she received SNAP benefits in her parents' case.

**IX. DECISION:**

It is the decision of the State Hearing Officer to **uphold** the action of the Department to establish a repayment claim against Respondent.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 2<sup>nd</sup> day of August 2012**

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**Kristi Logan**  
**State Hearing Officer**