



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW  
P.O. Box 1247  
Martinsburg, WV 25402

Earl Ray Tomblin  
Governor

Karen L. Bowling  
Cabinet Secretary

April 15, 2015



RE: [REDACTED] v. WV DHHR  
ACTION NO.: 15-BOR-1317

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,

Lori Woodward  
State Hearing Officer  
Member, State Board of Review

Encl: Claimant's Recourse to Hearing Decision  
Form IG-BR-29

cc: Andrew LaCara, Repayment Investigator

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

██████████,

**Claimant**

v.

**Action Number: 15-BOR-1317**

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

**Respondent.**

**DECISION OF STATE HEARING OFFICER**

**INTRODUCTION**

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. 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. This fair hearing was convened on April 14, 2015, on an appeal filed February 10, 2015.

The matter before the Hearing Officer arises from the January 27, 2015 decision by the Respondent to establish a repayment of over-issued Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Andrew LaCara, Repayment Investigator. The Claimant was present but was represented by his son, ██████████. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 SNAP Application, dated January 11, 2013
- D-2 Computer screen print from eRAPIDS system from Claimant's SNAP benefits showing case/RFA comments, February 2, 2013 through October 14, 2014
- D-3 New Employment Verification Form, dated June 24, 2013
- D-4 CSLE SNAP review form, dated July 22, 2013
- D-5 Employee Wage Data screen print
- D-6 PRC2 SNAP 6 or 12 month contact form, dated July 21, 2014
- D-7 ES-FS-5 Food Stamp (SNAP) Claim Determination and supporting calculations
- D-8 Hearing Request Form and IG-BR-29 Hearing Request
- D-9 IG-BR-29 Hearing/Grievance Request Notification
- D-10 JPMorganChase EBT Administration System/Transaction History

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 Claimant was a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits. On June 18, 2013, he reported new employment at [REDACTED]. A New Employment Verification form was sent to his employer which was returned and processed on June 25, 2013. (Exhibits D-2 and D-3)
- 2) On August 29, 2013, the Claimant returned a SNAP review form (CSLE). This was a no phone call required type of review. The income reported by the Claimant did not include the previously reported employment at [REDACTED]. The worker removed this income from the Claimant's case. SNAP benefits were issued based on the reported social security income for the Claimant's assistance group. (Exhibits D-2 and D-4)
- 3) On July 29, 2014, the Claimant returned a SNAP 6 or 12 month contact form reporting his employment at [REDACTED]. (Exhibit D-6)
- 4) A repayment referral was made to the repayment investigator, Andrew LaCara. Mr. LaCara found that the Claimant had received income during the second quarter of 2013 through the third quarter of 2014. (Exhibit D-5) He determined an unintentional client error caused an overpayment of \$2458 in the Claimant's SNAP benefit case from the months of September 2013 through August 2014. (Exhibit D-7)
- 5) Claimant's representative did not dispute that the Claimant's income from [REDACTED] was unreported on the August 2013 review form. He explained that he mistakenly assumed that the Department was aware of the Claimant's employment income as it was recently reported and verified.
- 6) The Claimant's representative did dispute the SNAP benefit amount for the month of August 2014, stating that the Claimant did not receive \$234. (Exhibit D-7) He pointed out that the [REDACTED] income was reported on the SNAP 6 or 12 month contact form (Exhibit D-6) returned on July 26, 2014, and that he believed that the SNAP benefit amount for August was reduced because of this income being added back to the income calculations. The Respondent's representative stated that because of policy mandating a 13-day notice prior to taking any adverse action on benefits, the Claimant's SNAP benefits would not have been reduced for the month of August.

The hearing was held open to allow Mr. LaCara to provide the Hearing Officer and the Claimant verification of the amount which was deposited to the Claimant's EBT account on August 8, 2014, which showed \$234 was indeed deposited. (Exhibit D-10)

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual (WV IMM) §1.2.E instructs that it is the client's responsibility to provide information about his circumstances so the Worker is able to make a correct decision about his eligibility.

WV IMM §20.2 mandates when an Assistance Group (AG) is issued more SNAP benefits than it was entitled to receive, corrective action is taken by establishing either an Unintentional Program Violation (UPV) or Intentional Program Violation (IPV). The claim is the difference between the actual SNAP entitlement the AG received and what the AG actually was entitled to receive. There are two types of UPV's, Agency Error (AE) and Client Error (CE). An UPV claim is established when an error by the Department (AE) resulted in the over-issuance or an unintentional error made by the client (CE) resulted in the over-issuance.

### **DISCUSSION**

The Claimant's representative did not dispute that there was an over-issuance of SNAP benefits from September 2013 to August 2014. The Claimant admittedly failed to report his employment income from [REDACTED] assuming that the Department already had this information in the computer system because it was recently reported and verified. He did, however, dispute the amount received in August 2014 of \$234, believing that this amount is incorrect. The Respondent's representative provided verification that the amount of \$234 was deposited into the Claimant's EBT account.

Pursuant to policy found in Chapter 20 of the West Virginia Income Maintenance Manual, the Department has correctly proposed repayment of the over-issued SNAP benefits due to client error. The claim is the difference between the entitlement the AG received and the entitlement the AG should have received.

### **CONCLUSION OF LAW**

Whereas, the Claimant failed to report all of his household income at his August 2013 SNAP review, an over-issuance of SNAP benefits resulted. Per SNAP policy, this unintentional client error overpayment must be repaid.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Department's proposal to establish an unintentional client error repayment claim in the amount of \$2458.

**ENTERED this 15<sup>th</sup> day of April 2015**

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**Lori Woodward, State Hearing Officer**