



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
2699 Park Avenue, Suite 100
Huntington, WV 25704

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

March 30, 2016

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 16-BOR-1263

Dear Ms. [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,

Todd Thornton
State Hearing Officer
Member, State Board of Review

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

cc: Juna Woodall, Department Representative

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

██████████,

Appellant,

v.

Action Number: 16-BOR-1263

**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 March 17, 2016, on an appeal filed February 8, 2016.

The matter before the Hearing Officer arises from the January 20, 2016 decision by the Respondent to establish a Supplemental Nutrition Assistance Program (SNAP) repayment claim against the Appellant.

At the hearing, the Respondent appeared by Juna Woodall, Repayment Investigator. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- | | |
|-----|---|
| D-1 | Notice of decision dated January 20, 2016 |
| D-2 | SNAP application documents dated October 6, 2014 |
| D-3 | Income verification for the Appellant |
| D-4 | WV Income Maintenance Manual (WVIMM), Chapter 1.2.E |
| D-5 | WVIMM, Chapter 1.2.M |
| D-6 | WVIMM, Chapter 2.2.B.1 |
| D-7 | SNAP claim determination form and supporting calculations |

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) On or about January 20, 2016, the Respondent notified the Appellant that she received more SNAP benefits than she was entitled to receive, in the amount of \$767, during the period of November 2014 to April 2015. (Exhibit D-1)
- 2) The notice advised the Appellant that a repayment claim was established in this amount, and that “by law you must repay the overissuance.” (Exhibit D-1)
- 3) The notice provided the basis for the repayment claim as unearned income. (Exhibit D-1)
- 4) The Appellant applied for SNAP on October 6, 2014, and conducted a follow-up telephone interview with her assigned caseworker on October 17, 2014. (Exhibit D-2)
- 5) The Appellant’s caseworker noted in the Respondent’s data system at the time of this follow-up interview that the Appellant verified she had applied for unemployment benefits but had not been approved yet, and that the Appellant was advised “she will need to notify us when/if she is approved for [unemployment benefits].” (Exhibit D-2)
- 6) The Appellant started receiving unemployment benefits on October 23, 2014. (Exhibit D-3)
- 7) The Appellant received SNAP benefits in the amount of \$1164 during the period of November 2014 to April 2015, which did not include the unemployment benefits in the benefit issuance calculations. (Exhibit D-7)
- 8) The Appellant would have received \$397 in SNAP benefits during the same period, if this unearned income source had been reported and counted in the calculation of the Appellant’s SNAP allotment. (Exhibit D-7)
- 9) The Appellant received excessive SNAP benefits in the amount of \$767 during the period in question.

APPLICABLE POLICY

The WV Income Maintenance Manual (WVIMM), at §20.2, reads “When an AG has been 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) claim.

The claim is the difference between the SNAP entitlement of the AG and the SNAP allotment the AG was entitled to receive.”

At §20.2.C.1, policy defines two types of UPVs: client error and agency error. UPV claims are established when “An unintentional error made by the client resulted in the overissuance.”

At §1.2.E, policy states the responsibility of the client “to provide information about his circumstances so the Worker is able to make a correct decision about his eligibility.”

DISCUSSION

The Appellant is appealing the Respondent’s establishment of a SNAP repayment claim. The basis of this claim is unearned income in the form of unemployment benefits. There was no dispute the Appellant received this income, or that it was not counted in the determination of her SNAP allotment. It was the responsibility of the Appellant to report the onset of this income, which occurred while her SNAP application was being processed, so the Respondent could make a correct determination of her benefit amount. The Appellant offered unconvincing testimony that she reported this information by phone. The Respondent followed the correct policy and procedures in the establishment of a \$767 client error SNAP repayment claim.

CONCLUSION OF LAW

Because the Appellant received excessive SNAP benefits in the amount of \$767 due to unreported unearned income, the Respondent must establish a SNAP repayment claim against the Appellant for this amount.

DECISION

The decision of the Respondent to establish a \$767 SNAP repayment claim against the Respondent is **upheld**.

ENTERED this ____ Day of March 2016.

**Todd Thornton
State Hearing Officer**