



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

December 19, 2016

[REDACTED]  
[REDACTED]  
[REDACTED]

RE: [REDACTED] v. WVDHHR  
ACTION NO.: 16-BOR-2975

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 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-2975**

**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 December 1, 2016, on an appeal filed November 4, 2016.

The matter before the Hearing Officer arises from the September 21, 2016 decision by the Respondent to establish a SNAP repayment claim against the Appellant.

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

**Department's Exhibits:**

- D-1 Notice of decision, dated September 21, 2016
- D-2 Claim Determination form and supporting documentation
- D-3 Notice of SNAP eligibility, dated November 6, 2015 (including instructions regarding simplified reporting requirements)
- D-4 Case comments regarding the Appellant's case from the Respondent's data system
- D-5 West Virginia Income Maintenance Manual (WVIMM), Chapter 20.2



**Appellant'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) The Appellant was notified of her approval for SNAP benefits on November 6, 2015. (Exhibit D-3)
- 2) This notification (Exhibit D-3) includes instructions regarding her income reporting requirements during her certification period, and reads, "You must contact this office and report if your total household income increases to more than \$2,177.00 per month."
- 3) The Appellant's total household income exceeded this reporting threshold due to the onset of her employment. (Exhibit D-2)
- 4) The Appellant did not report this income. (Exhibit D-4)
- 5) The Respondent established a \$385 "client error" SNAP repayment claim for the period from December 2015 through April 2016, based on the onset of income that made her household ineligible for SNAP benefits. (Exhibits D-1 and D-2)

**APPLICABLE POLICY**

The WV Income Maintenance Manual (WVIMM), at §20.2, reads "When an [assistance group] 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, the WVIMM policy for SNAP claims indicates that UPV claims are established both when "an unintentional error made by the client resulted in the overissuance" and when "an error by the Department resulted in the overissuance."



## **DISCUSSION**

The Respondent established a \$385 SNAP claim against the Appellant. The Appellant is contesting the Respondent's decision to establish this claim. The Respondent must show, by a preponderance of the evidence that its decision was correct.

There was no specific dispute from the Movant with regard to the time period or calculation of the claim. The Movant did not dispute the fact she had employment income, and the Respondent clearly showed (Exhibit D-2) that this income was not counted in the calculation of the Movant's SNAP benefits from December 2015 through April 2016, resulting in a SNAP overissuance. Policy requires the repayment of both "client error" and "agency error" claims, and the Board of Review does not have the authority to change policy or grant policy exceptions. The only remaining factor to consider is if this overissuance was correctly classified as a "client error" claim.

The Movant testified that she reported her earnings when her employment went from seasonal to regular employment. The Respondent presented a series of case recordings (Exhibit D-4) that indicate the Movant did not report her income in a timely manner. These recordings also note the verification requests related to other household income, and the Movant offered no explanation as to why she thought the onset of her own employment income would not have to be documented with pay stubs or other income verification. The Respondent has met its burden for proving the SNAP repayment claim was a "client error," and therefore has shown the claim is correct.

## **CONCLUSION OF LAW**

Because the Appellant received excessive SNAP benefits in the amount of \$385 due to her failure to report the onset of employment income, the Respondent must establish a client error SNAP repayment claim against the Appellant for this amount.

## **DECISION**

The decision of the Respondent to establish a \$385 SNAP repayment claim against the Respondent is **upheld**.

**ENTERED this \_\_\_\_ Day of December 2016.**

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**Todd Thornton**  
**State Hearing Officer**