



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL

Jim Justice  
Governor

BOARD OF REVIEW  
Raleigh District DHHR  
407 Neville Street  
Beckley, WV 25801

Bill J. Crouch  
Cabinet Secretary

October 24, 2017

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 17-BOR-2525

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,

Kristi Logan  
State Hearing Officer  
Member, State Board of Review

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

cc: Robin Goode, [REDACTED] County DHHR

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

██████████,

**Appellant,**

v.

**Action Number: 17-BOR-2525**

**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 October 19, 2017, on an appeal filed September 20, 2017.

The matter before the Hearing Officer arises from the September 13, 2017, decision by the Respondent to establish a repayment claim against the Appellant's receipt of Supplemental Nutrition Assistance Program (SNAP) benefits.

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

**Department's Exhibits:**

- D-1       Hearing Request Notification
- D-2       Hearing Summary
- D-3       Benefit Recovery Referral Screen Print
- D-4       Case Benefit Summary Screen Print
- D-5       Notice of SNAP Overissuance dated September 13, 2017
- D-6       Hearing Request received September 20, 2017
- D-7       Application for Benefits received June 9, 2017
- D-8       Rights and Responsibilities Form received June 9, 2017
- D-9       Referral/Claim Comments for September 2017
- D-10      Establish Claim Screen Print
- D-11      Contact Letter from ██████████ dated June 12, 2017
- D-12      West Virginia Income Maintenance Manual §1.2(F)

- D-13 West Virginia Income Maintenance Manual §1.4(M)
- D-14 West Virginia Income Maintenance Manual §8.2(A)
- D-15 SNAP Claim Determination Form

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 submitted an application for SNAP benefits to the Respondent on June 9, 2017 (Exhibit D-7).
- 2) The Appellant did not answer the question asking if he had or expected to receive benefits from another state for the month (Exhibit D-7).
- 3) SNAP benefits in the amount of \$107 was approved for the Appellant for June 2017 (Exhibit D-4).
- 4) The Respondent received verification from [REDACTED] that the Appellant received SNAP benefits there for June 2017, and that his case would close effective June 30, 2017 (Exhibit D-11).
- 5) The Respondent established a repayment claim for \$107 against the Appellant, for June 2017, when he received SNAP benefits in [REDACTED] (Exhibit D-15).

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual §8.6 states that client may not receive SNAP benefits concurrently in more than one county in West Virginia or more than one state.

West Virginia Income Maintenance Manual §20.2 states when an AG (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. UPV claims consist of agency errors and client errors.

### **DISCUSSION**

Pursuant to policy, an individual may not receive SNAP benefits in more than one state in any month. The Appellant received SNAP benefits in West Virginia and [REDACTED] in June 2017.

The Appellant testified that his [REDACTED] SNAP benefits are deposited onto his Electronic Benefit Transfer (EBT) card the ninth of each month. The Appellant contended that on June 9, 2017, there

was a zero balance on his [REDACTED] EBT card. The Appellant stated he had no food, having just moved from [REDACTED] so he came to the local office to apply for SNAP benefits.

The Appellant denied that SNAP benefits for June 2017 were deposited onto his EBT card subsequent to the June 9 application in West Virginia.

The Appellant failed to provide any documentation to refute the Respondent's verification that his [REDACTED] SNAP case did not close until June 30, 2017. An individual cannot receive SNAP benefits simultaneously in more than one state. The Appellant was not eligible to receive SNAP benefits in West Virginia for June 2017.

Policy requires the recoupment of an overpayment of SNAP benefits, regardless of how the overpayment occurred. The Appellant must repay the SNAP benefit issued in West Virginia in June 2017.

### **CONCLUSIONS OF LAW**

- 1) Policy prohibits the receipt of SNAP benefits in more than one state in the same month.
- 2) The Appellant received SNAP benefits from [REDACTED] and West Virginia in June 2017.
- 3) The Appellant was not eligible to receive SNAP in West Virginia in June 2017.
- 4) The Appellant must repay the SNAP benefits he received from West Virginia in June 2017.

### **DECISION**

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to establish a repayment claim of Supplemental Nutrition Assistance Program benefits for the Appellant.

**ENTERED this 24<sup>th</sup> day of October 2017**

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