



July 23, 2025

[REDACTED]

RE: [REDACTED] v. OIG/IFM
ACTION NO.: 25-BOR-2277

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 Human Services. These same laws and regulations are used in all cases to ensure 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,

Eric L. Phillips
State Hearing Officer
Member, State Board of Review

Encl: Recourse to Hearing Decision
Form IG-BR-29

cc: Heather Olcott, AAG

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW**

Appellant,

v.

Action Number: 25-BOR-2277

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS AND FRAUD MANAGEMENT,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for [REDACTED]. This hearing was held in accordance with the provisions found in Chapter 700 of the Office of Inspector General Common Chapters Manual. This fair hearing was convened on July 17, 2025, on an appeal filed with the Board of Review on June 23, 2025.

The matter before the Hearing Officer arises from the June 18, 2025 decision by the Respondent to seek repayment of an over issuance of Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Heather Olcott, Assistant Attorney General. Appearing as a witness for the Respondent was Lisa Snodgrass, Repayment Investigator. The Appellant was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 CSLE Redetermination Form dated November 14, 2024
- D-2 Low Income Energy Assistance Program application dated December 13, 2024.
- D-3 Case Comments
- D-4 Case File Screenprint
- D-5 PATH Application Search Screenprint
- D-6a West Virginia Income Maintenance Manual Chapter 1.4
- D-6b West Virginia Income Maintenance Manual Chapter 11.2

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 a recipient of SNAP benefits.
- 2) The Appellant was required to complete a CSLE Redetermination Form and submit it to her local office by December 1, 2024. (Exhibit D-1)
- 3) On December 5, 2024, the Appellant was required to complete a telephonic interview as part of the redetermination for SNAP benefits.
- 4) The Appellant failed to submit the CSLE Redetermination Form to the local office.
- 5) The Appellant failed to complete the required telephonic interview.
- 6) On December 13, 2024, the Appellant applied for the Low-Income Energy Assistance Program. (LIEAP) (Exhibit D-2)
- 7) While processing the LIEAP application, the Respondent's local office approved SNAP benefits without a redetermination or interview.
- 8) The Appellant's SNAP benefits were approved in error.
- 9) The Appellant received an overissuance of SNAP benefits in the amount of \$377.00 from the time period of January 2025 through June 2025.
- 10) On May 21, 2025, the local office discovered that the Appellant failed to complete the prior redetermination and interview and mailed a new SNAP application.
- 11) In May 2025, the Appellant completed the SNAP requirements and a new certification period was established.

APPLICABLE POLICY

Code of Federal Regulations Title 7 §273.18 documents:

(a) ***General.***

- (1) A recipient claim is an amount owed because of:
 - (i) Benefits that are overpaid or
 - (ii) Benefits that are trafficked. Trafficking is defined in [7 CFR 271.2](#).
- (2) This claim is a Federal debt subject to this and other regulations governing Federal debts. The State agency must establish and collect any claim by following these regulations.
- (3) As a State agency, you must develop a plan for establishing and collecting claims that provides orderly claims processing and results in claims collections similar to recent national rates of collection. If you do not meet these standards, you must take corrective action to correct any deficiencies in the plan.

(4) The following are responsible for paying a claim:

- (i) Each person who was an adult member of the household when the overpayment or trafficking occurred;
- (ii) A person connected to the household, such as an authorized representative, who actually traffics or otherwise causes an overpayment or trafficking.

(b) ***Types of claims.*** There are three types of claims:

- (1) Intentional Program Violation (IPV) claim - any claim for an overpayment or trafficking resulting from an individual committing an IPV.
- (2) Inadvertent Household Error claim - any claim for an overpayment resulting from a misunderstanding or unintended error on the part of the household.
- (3) Agency Error claim - any claim for an overpayment caused by an action or failure to take action by the State agency.

(c) ***Calculating the claim amount —***

(1) *Claims not related to trafficking.*

- (i) As a State agency, you must calculate a claim back to at least twelve months prior to when you became aware of the overpayment. Do not include any amounts that occurred more than six years before you became aware of the overpayment.

(ii) Actual step for calculating a claim are –

(A) Determine the correct amount of benefits for each month that the household received an overpayment.

(B) Do not apply the earned income deduction to that part of any earned income that the household failed to report timely when this act is the basis for the claim unless the claim is agency error, then apply the earned income deduction.

(C) Subtract the correct amount of benefits actually received. The answer is the amount of the overpayment.

(D) Reduce the overpayment amount by any EBT amounts expunged for the household's EBT account.

West Virginia Income Maintenance Manual Chapter 11.2 documents:

When an assistance group (AG) has been issued more Supplemental Nutrition Assistance Program (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.

West Virginia Income Maintenance Manual Chapter 11.2.3 documents:

The number of month(s) for which claims are established depend on whether it is an IPV or UPV.

There are two types of UPVs—client errors and agency errors. A UPV claim may be established when:

- An error by the Department of Human Services (DoHS) resulted in the overissuance
- An unintentional error made by the client resulted in the overissuance
- The client's benefits are continued pending a Fair Hearing decision and the subsequent decision upholds the DoHS's action
- It is determined by court action or ADH the client did not commit an IPV; the claim is pursued as a UPV
- The AG received SNAP solely because of Categorical Eligibility, and it is subsequently determined ineligible for WV WORKS and/or Supplemental Security Income (SSI) at the time it received it
- The DoHS issued duplicate benefits and the overissued amount was not returned
- The DoHS continued issuance beyond the certification period without completing a redetermination

A client error UPV is only established retroactively for the six-year period preceding the month of discovery. An agency error is only established retroactively for the one-year period preceding the date of the discovery.

West Virginia Income Maintenance Manual Chapter 11.2.3.A.1 documents

Failure to Take Prompt Action - The first month of overissuance is the month the change would have been effective had the agency acted promptly.

Computation Error - The first month of overissuance is the month the incorrect allotment was effective.

West Virginia Income Maintenance Manual Chapter 11.2.5

Collection action is initiated against the AG that received the overissuance. When the AG composition changes, collection is pursued against any and all AGs that 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 noncitizen AGs when the sponsor is responsible for the overpayment
- An authorized representative of an AG if he is responsible for the overpayment

For AGs containing a liable debtor that are certified at the time the claim is established, collection activity may begin by recoupment, after the notice period expires. Recoupment by benefit allotment reduction is mandatory for all claims when a liable debtor is certified for SNAP. The eligibility system automatically begins recoupment and posts these payments to the claim.

West Virginia Income Maintenance Manual Chapter 11.2.6 documents:

The minimum amount of repayment is determined as follows.

UPV Client and Agency Errors

Current Recipients

The current benefit entitlement is reduced by 10% or \$10, whichever is greater.

Former Recipients

Lump Sum Payment: One payment is made to pay the claim in its entirety.

Installment Payments: When the AG is financially unable to pay the claim in one lump sum, regular monthly installment payments are accepted. The minimum amount of the monthly payment is \$50.

West Virginia Income Maintenance Manual Chapter 1.4.18.A documents:

The following methods can be used for redetermination:

- System generated redetermination forms (CSLE or CSLR)
- WV PATH
- DFA-2 and DFA-RR-1
- DFA-SNAP-1

The eligibility system automatically mails the CSLE/CSLR in the month prior to the last month of certification. The form must be completed and returned prior to the scheduled interview date specified on the CSLE/CSLR. The form is considered complete when signed and dated by the client or his authorized representative or completed and submitted by WV PATH.

West Virginia Income Maintenance Manual Chapter 1.4.18.C documents:

An interview is required regardless of the method by which the redetermination is completed. A phone interview is conducted unless one or more of the following criteria is met:

- The client or his authorized representative requests a face-to-face interview. The Worker must schedule the appointment; or
- The Department determines that a phone interview is not appropriate due to questionable circumstances. The criteria stated in Section 7.2 for questionable

circumstances for verifications, also apply to and serve as guidance for scheduling face-to-face interviews due to questionable circumstances. Supervisory approval and case documentation is required when scheduling a face-to-face interview due to questionable circumstances.

West Virginia Income Maintenance Manual Chapter 1.4.18.E documents:

A SNAP redetermination is a reapplication for benefits.

Under no circumstances are benefits continued past the month of redetermination, unless a redetermination is completed, and the client is found eligible. If the recipient is no longer eligible, the SNAP AG is closed.

West Virginia Income Maintenance Manual Chapter 1.4.18.E.2 documents:

In the following redetermination situations, a new application is required. Benefits for the first month of certification and the beginning of the certification period are determined as they are for any other applicant.

- The verification is due within the last month of the certification period and is not returned by the end of the certification period or during the following month; or
- The verification is due after the last day of the certification period and is not returned by the last day of the month it was due, i.e., the month following the end of the certification period.
- The AG does not submit a redetermination before the end of the certification period. If the CSLE/CSLR is not completed and returned by the end of the certification period, benefits are stopped. Notice of closure is required, but advance notice is not required. If the CSLE/CSLR is returned in the month after the end of the certification period, no DFA-2 or DFA-SNAP-1 is required for reapplication. The CSLE/CSLR is used as the application form and benefits are prorated from the date the application is received in that month. You must screen for expedited service for any household that applies after the end of the certification period and, if determined eligible for expedited service, the household must have an opportunity to participate within 7 days from the date the CSLE/CSLR was filed.

DISCUSSION

In June 2025, the Respondent established a repayment claim against the Appellant seeking the recoupment of overissued SNAP benefits. The claim in question was due to an agency error. The Appellant contests the repayment of SNAP benefits contending she should not be responsible for the claim due to the agency error. The Respondent must prove by a preponderance of the evidence, that the Appellant was overissued SNAP benefits for which her household was not entitled to receive.

The Appellant's certification period for SNAP benefits expired December 31, 2024. To maintain her eligibility for SNAP benefits, the Appellant was required to complete a redetermination for benefits, which included the submission of a CSLE form (Exhibit D-1) and a telephonic interview, prior to the certification expiration. The Appellant failed to complete the redetermination requirements by the end of the certification period. However, the Respondent's local office approved a new certification period for the Appellant, in error, while processing the Appellant's application for other agency programs. Because the Appellant failed to complete the redetermination process, she was required to complete a new application for benefits. In May 2025, the Respondent's local office discovered the error and completed a new application and interview the Appellant. Due to the agency error, the Appellant received \$377.00 in SNAP benefits from the time period of January 2025 through June 2025 that she was not entitled to receive.

The Appellant disputed the Respondent's claim that she failed to complete the SNAP redetermination process. The Appellant testified that she was scheduled to complete a telephonic interview on December 5, 2024; however, the Respondent's local office failed to initiate the process. The Appellant testified that she inquired with the local office on December 5, 2024 and a case worker completed the interview and approved SNAP benefits on December 6, 2024. The Appellant contends that she should not be responsible for any repayment of SNAP benefits because the claim was the result of an agency error. The Appellant disagreed with the amount and time period of the claim citing that a new application was completed in May 2025 and any repayment claim should only be effective from January 2025 through April 2025.

Pursuant to policy and federal regulations, 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 assistance group and the SNAP allotment the assistance group was entitled to receive. SNAP benefits for which the assistance group was not entitled to receive must be repaid, regardless of the type of error.

Policy requires that SNAP benefits may not continue past the month of redetermination, unless a redetermination is completed and the recipient is found eligible. A new application is required when the recipient fails to submit a redetermination before the end of the certification. While the Appellant claims she completed the redetermination process in December 2024, she provided no documentation to support her claims. Evidence reveals that a LIEAP application and Medicaid redeterminations (Exhibit D-3) were completed in December 2024 and January 2025 but does not demonstrate the completion of the SNAP requirements. Additionally, the Appellant completed a new application for benefits in May 2025, SNAP benefits were previously issued in error for that month; therefore, the Appellant is subject to a repayment for the month in question. There is no dispute that the overissuance and approval of SNAP benefits incorrectly was caused by an agency error and did not reflect any wrongdoing on behalf of the Appellant. However, SNAP benefits that are issued in error must be recoupled, regardless of the type of error.

Because the Appellant was issued SNAP benefits for which she was not entitled to receive, the Respondent's decision to establish a repayment claim for benefits issued in error is affirmed.

ONCLUSIONS OF LAW

- 1) When an assistance group has been issued more SNAP benefits than it was entitled to receive, corrective action is taken by establishing a repayment claim, regardless of whether the claim is due to agency error or client error.
- 2) The Appellant failed to complete the necessary redetermination requirements prior to the December 31, 2024 expiration of her SNAP certification period.
- 3) The Appellant was required to complete a new application for SNAP benefits.
- 4) A Department caseworker inadvertently approved SNAP benefits, without a proper redetermination, and extended the Appellant's SNAP certification period.
- 5) The Appellant received SNAP benefits for which she was not entitled to receive for a time period of January 2025 through June 2025.
- 6) The Respondent's decision to initiate a repayment claim of SNAP benefits for the Appellant is affirmed.

DECISION

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

ENTERED this _____ day of July 2025.

Eric L. Phillips
State Hearing Officer