



July 29, 2025

RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 25-BOR-2291

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,

Tara B. Thompson, MLS
State Hearing Officer
Member, State Board of Review

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

cc: Carl Hosler, Assistant Attorney General

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

[REDACTED],

Appellant,

v.

Action Number: 25-BOR-2291

**WEST VIRGINIA DEPARTMENT OF
HUMAN SERVICES
BUREAU FOR FAMILY ASSISTANCE,**

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 23, 2025.

The matter before the Hearing Officer arises from the Respondent's implementation of a Supplemental Nutrition Assistance Program (SNAP) benefit repayment claim against the Appellant.

At the hearing, the Respondent appeared by Assistant Attorney General Carl Hostler. Appearing as a witness for the Respondent was Abigail Vandegrift, Investigations and Fraud Management. The Appellant appeared and was self-represented. Appearing as a witness for the Appellant was [REDACTED] the Appellant's husband. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Benefit Recovery Referral, dated June 12, 2025
- D-2 West Virginia Income Maintenance Manual (WVIMM) § 1.2.4
- D-3 WVIMM § 1.2.3
- D-4 Food Stam Claim Determination worksheet
- D-5 SNAP Claim Calculation Sheet
- Food Stamp Allotment Determination screen prints
- D-6 Appellant paystubs
- D-7 People's Access To Help (PATH) application, dated December 11, 2023
- D-8 Rights and Responsibilities
- D-9 Notice, dated January 31, 2024

	Case screen prints WVIMM § 2.2 excerpts
D-10	Case Comments
D-11	Case screen prints
D-12	Email Correspondence Lease Agreement
D-13	Case Benefit Summary SNAP Budget
D-14	PATH application, dated May 2, 2024
D-15	Notice, dated June 5, 2024
D-16	WVIMM § 11.2 Code of Federal Regulations excerpts 7 CFR § 273.18
D-17	Notice, dated June 16, 2025
D-18	Hearing Request Forms

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) On December 11, 2023, the Appellant completed an application for SNAP benefit eligibility via People's Access To Help (PATH) (Exhibit D-7).
- 2) On her December 11, 2023 application, the Appellant reported her household included herself, her husband [REDACTED], and their four minor children [REDACTED] (Exhibit D-9).
- 3) The Appellant acknowledged by electronic signature that she understood that her assistance group may be required to repay any benefits received that the AG was ineligible for because of unintentional errors made by the Appellant or DoHS (Exhibits D-7 and D-8).
- 4) On January 10, 2024 Respondent Supervisor [REDACTED] recorded, "scheduling appt please check with pa [sic] for benefits" (Exhibit D-10).
- 5) On January 19, 2024, Respondent Worker [REDACTED] recorded that the Appellant's household and Assistance Group (AG) included six people and that the Appellant's paystubs and lease were pending (Exhibit D-10).
- 6) The Appellant's AG received a \$1,155 monthly SNAP benefit allotment from February through May 2024 (Exhibits D-9, D-10, and D-13).

- 7) The January 2024 SNAP benefit allotment was based on a five-person SNAP AG including [REDACTED] and children [REDACTED] (Exhibit D-9).
- 8) The January 2024 SNAP benefit allotment was based on \$0 household income (Exhibits D-9 and D-13).
- 9) The Respondent's worker incorrectly excluded the Appellant's income when determining her household's SNAP eligibility and benefit allotment (Exhibit D-9).
- 10) The January 2024 notice indicated the Appellant was ineligible for SNAP because she received SNAP benefits in another state (Exhibit D-9).
- 11) On May 2, 2024, the Appellant submitted a SNAP eligibility review via PATH (Exhibit D-14).
- 12) On June 4, 2024, the Respondent's Worker [REDACTED] processed the Appellant's SNAP review and discovered that the Appellant's case record reflected an incorrect composition and income amount for the household (Exhibits D-10 and D-14).
- 13) On June 4, 2024, the Respondent's Worker [REDACTED] corrected the Appellant's case information and initiated a SNAP benefit repayment referral (Exhibit D-10).
- 14) Beginning June 4, 2024, the Appellant's AG received \$474 in monthly SNAP benefits for a six person AG, from June through September 2024 (Exhibits D-13 and D-15).
- 15) The June 4, 2024 SNAP allotment amount was calculated considering the Appellant's \$4,300.54 gross monthly earned income (Exhibit D-15).
- 16) On January 17, 2025, the Respondent issued a notice to the Appellant initiating a SNAP repayment claim for benefits overissued to the AG from February 1 through May 31, 2024.
- 17) In June 2025, the Respondent discovered an error in the January 17, 2025 calculation of the repayment claim amount reflected on the January 17, 2025 notice.
- 18) On June 16, 2025, the Respondent issued a corrected notice indicating a SNAP overissuance repayment claim of \$2,724 was being implemented against the Appellant for SNAP benefits overissued between February 1 and May 1, 2024 (Exhibit D-17).

APPLICABLE POLICY

WVIMM § 4.3.30 *Employment* provides that salaries and wages are counted as earned income for SNAP.

WVIMM § 4.4.3.C *Determining the Amount of the Benefit* provides that to determine the SNAP allotment, find the countable income and the maximum benefit allotment for the AG in Appendix A.

WVIMM § 11.2 *SNAP Claims and Repayment Procedures* provides that 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.

WVIMM § 11.2.3.A *UPV Claims* provides that there are two types of UPVs — client errors and agency errors. A UPV claim may be established when:

- An error by the [Department] resulted in the over-issuance
- An unintentional error made by the client resulted in the over-issuance ...

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

WVIMM § 11.2.3.A.1 *Agency Errors* provides that for a failure to take prompt action, the first month of over-issuance is the month the change would have been effective had the agency acted promptly. For a computation error, the first month of over-issuance is the month the incorrect allotment was effective.

Code of Federal Regulations 7 CFR 273.10(c)(3) *Income averaging* provides:

- i. Income may be averaged in accordance with methods established by the State agency to be applied Statewide for categories of households ... An average must be recalculated at recertification and in response to changes in income, in accordance with § 273.12(c), and the State agency shall inform the household of the amount of income used to calculate the allotment.

Code of Federal Regulations 7 CFR § 273.18(a)(1)(i) explains that a recipient claim is an amount owed because benefits are overpaid.

Code of Federal Regulations 7 CFR § 273.18(b)(1) through (3) provides that there are three types of claims. An Inadvertent Household Error claim is a claim for an overpayment resulting from a misunderstanding or an unintended error on the part of the household. An agency error claim is a claim for an overpayment caused by an action or failure to take action by the State agency.

DISCUSSION

The Respondent argued that the Appellant was overissued SNAP benefits from February through May 2024 because of an agency error caused by excluding the Appellant and her income from the AG. The Appellant did not dispute the amount of SNAP benefits received during the proposed SNAP overissuance period and testified that the Respondent's account of events was accurate. The Appellant did not dispute the Respondent's responsibility in causing the SNAP overissuance or corrected claim amount but argued that a repayment claim should not be implemented because the Appellant met her reporting obligations.

When an AG has been issued more SNAP benefits than it was entitled to receive, an unintentional program violation (UPV) repayment claim may be established to recoup the difference between the amount of SNAP issued to the AG and the SNAP allotment the AG was entitled to receive.

The Respondent bears the burden of proof and had to demonstrate by a preponderance of evidence that a repayment claim must be established because the Appellant received more SNAP benefits than the AG was entitled to receive from February through May 2024, because of errors made by the Respondent.

On June 4, 2024, the Respondent's Worker discovered that the Appellant's AG had received SNAP benefits based on an incorrect household size and amount. On January 17, 2025, the Respondent initiated a SNAP overissuance repayment claim against the Appellant and issued a new notice on June 16, 2025 advising the Appellant of the corrected \$2,724 claim amount.

According to the evidence, the Appellant met her household and income reporting requirements. The submitted evidence affirmed the Respondent's worker incorrectly excluded the Appellant and her income when calculating the AG's SNAP allotment amount. During the hearing, the Respondent's witness testified that the Respondent's worker pended the Appellant for verification of her income and approved all other household members based on \$0 income. The Respondent's witness testified that all members of the household should have been pended until the Appellant's income and SNAP status in [REDACTED] was verified. Instead, the Respondent's worker pended the Appellant only and approved the rest of the AG without considering the Appellant's income or presence in the AG. The submitted evidence revealed that the Respondent determined the Appellant's February through May 2024 SNAP allotment amount based on a household comprised of five (5) members and \$0 income instead of considering all household members and income reported by the Appellant.

During the hearing, the Respondent's witness provided a detailed explanation of the calculations used to determine the AG's SNAP allotment during the overissuance period and the calculations used to determine the AG's corrected SNAP entitlement and repayment amount. The Appellant did not contest the Respondent's calculations.

The preponderance of evidence revealed that the AG received a higher SNAP allotment than it was entitled to receive because the Respondent considered an incorrect household size and a reduced income amount when calculating the February through May 2024 SNAP allotment amount. The evidence revealed the Appellant electronically signed her understanding that

repayment of SNAP benefits may be required if unintentional errors made by the agency resulted in the AG receiving more benefits than it was eligible to receive.

The preponderance of evidence revealed the AG received \$1,155 in monthly SNAP benefits when the AG was only entitled to \$474 monthly SNAP allotment from February through May 2024. As the regulations and policy permit the agency to seek recoupment of overissued SNAP benefits caused by an agency error, the Respondent was required to implement a UPV repayment claim against the Appellant.

CONCLUSIONS OF LAW

- 1) An agency error repayment claim may be established when an action or failure to act by the agency results in the AG receiving a SNAP overpayment.
- 2) The preponderance of evidence revealed that the Respondent made an agency error by considering an incorrect household size and income amount when calculating the AG's February through May 2024 SNAP allotment amount.
- 3) The preponderance of evidence revealed that the agency error caused the AG to be allotted more SNAP benefits than it was entitled to receive.
- 4) Because an agency error resulted in the AG receiving more SNAP benefits than it was entitled to receive, the Respondent must implement a SNAP overissuance repayment claim.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to implement a SNAP overissuance repayment claim against the Appellant.

ENTERED this 29th day of July 2025.

Tara B. Thompson, MLS
State Hearing Officer