



September 30, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 25-BOR-2660

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 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
Certified State Hearing Officer
Member, State Board of Review

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

cc: Carl Hostler, Assistant Attorney General
Christina Saunders, Investigations and Fraud Management

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

██████████,

Appellant,

v.

Action Number: 25-BOR-2660

**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 ██████████. 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 September 3, 2025.

The matter before the Hearing Officer arises from the decision by the Respondent to implement a Supplemental Nutrition Assistance Program (SNAP) overissuance repayment claim against the Appellant.

At the hearing, the Appellant appeared by Assistant Attorney General Carl Hostler. Appearing as a witness for the Respondent was Christina Saunders, Investigations and Fraud Management. Assistant Attorney General Wyclif Farquharson observed on behalf of the Respondent and did not provide testimony. The Respondent appeared and was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Benefit Recovery Referral, dated December 16, 2024
- D-2 SNAP Notice of QC Error Findings
- D-3 West Virginia Income Maintenance Manual (WVIMM) Chapter 1 policy excerpts
- D-4 SNAP Claim Determination
- D-5 Notice, dated October 16, 2023
- D-6 WVIMM Chapter 1 policy excerpts
- D-7 WVIMM Chapter 10 policy excerpts
- D-8 SNAP Interim Contact Form (PRC-2), received September 30, 2024
- D-9 Case Comments

- D-10 WV DoHS SNAP Application, scanned on December 13, 2024
- D-11 WVIMM § 11.2 excerpt
- D-12 WVIMM § 11.2.2 excerpt
- D-13 WVIMM § 11.2 excerpt
- D-14 WVIMM § 11.2 excerpt
- D-15 Code of Federal Regulations 7 CFR 273.18 excerpt
- D-16 WVIMM Chapter 11 excerpt
- D-17 IG-BR-29
DoHS Notice, dated August 1, 2025

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 November 30, 2023, the Appellant completed her review form with Respondent Worker EW2543 at the local office (Exhibit D-9).
- 2) On December 26, 2023, the Respondent approved the Appellant to receive SNAP benefits during a certification period from December 1, 2023, to November 30, 2024 (Exhibits D-2 and D-9).
- 3) On December 16, 2024, the Respondent submitted a Benefit Recovery Referral (BVRF) to Investigations and Fraud Management (IFM) alleging the Appellant was ineligible for \$535 in SNAP benefits, from June 1, 2024, through December 31, 2024, because the PRC2 review form was not sent to the Appellant (Exhibit D-1).
- 4) The West Virginia Office of Inspector General Quality Control (QC) determined that an error occurred in the Appellant's case in April 2024 (Exhibit D-2).
- 5) The Appellant reported information between SNAP eligibility determinations as required (Exhibits D-2 and D-9).
- 6) On February 12, 2024, the Respondent terminated the Appellant's SNAP benefits but restored the Appellant's benefit eligibility on February 26, 2024, when new household income information was provided (Exhibits D-2 and D-9).
- 7) On March 27, 2024, the Appellant reported a household income change that resulted in the Respondent's decision to terminate the Appellant's SNAP benefits after May 2024 (Exhibits D-2 and D-9).

- 8) The Respondent was required to issue a SNAP Interim Contact Form (PRC-2) to the Appellant in April 2024, with a return date in May 2024 (Exhibit D-2).
- 9) The Respondent did not issue a PRC-2 to the Appellant in April 2024 (Exhibit D-9).
- 10) On April 12, 2024, the Appellant reported an employment change (Exhibits D-2 and D-9).
- 11) On April 29, 2024, the agency entered the household's income verification, reestablished the Appellant's SNAP eligibility, and erroneously assigned a new certification period of May 1, 2024 to April 30, 2025 (Exhibits D-2 and D-9).
- 12) On June 13, 2024, the Respondent updated the household's income information and increased the Appellant's SNAP benefit allotment (Exhibit D-9).
- 13) On July 1, 2024, the Appellant called the Respondent to report changes to her household composition (Exhibit D-9).
- 14) On August 14, 2024, the Appellant reported changes in her income that did not affect the amount of the household's SNAP benefits (Exhibit D-9).
- 15) On September 23, 2024, the Respondent issued a SNAP PRC-2 form to the Appellant (Exhibit D-8).
- 16) On September 27, 2024, the Appellant visited the Respondent's office and met with Respondent Worker EW2543 to apply for emergency assistance and provided updated employment information (Exhibit D-9).
- 17) On September 30, 2024, the Appellant met with Respondent Worker EW2543 and submitted a completed SNAP PRC-2 form (Exhibits D-8 and D-9).
- 18) On October 1, 2024, the Appellant submitted new self-employment income verification (Exhibit D-9).
- 19) On October 3, 2024, Respondent Worker EW2543 processed the Appellant's completed PRC-2 form and income verification. The Respondent made no changes to the Appellant's SNAP allotment amount (Exhibit D-9).
- 20) On October 4, November 4, and December 4, 2024, the Respondent issued \$692 in monthly SNAP allotment to the Appellant (Exhibit D-4).
- 21) On December 5, 2024, the Respondent was notified the Appellant's SNAP eligibility was out of certification (Exhibit D-9).
- 22) On December 6, 2024, Respondent Worker EW2543 orally notified the Appellant she needed to complete a new application and mailed the SNAP application to the Appellant (Exhibit D-9).

- 23) On December 13, 2024, the Appellant submitted her completed SNAP application (Exhibit D-10).
- 24) On December 16, 2024, Respondent Worker EW2543 processed the Appellant's SNAP application, completed her SNAP eligibility interview, and approved her for ongoing SNAP eligibility (Exhibit D-9).
- 25) On January 4, 2025, the Respondent disbursed \$755 in monthly SNAP allotment to the Appellant (Exhibit D-4).
- 26) On August 1, 2025, the Respondent issued a notice advising the Appellant an Agency Error Claim for \$4,465.00 was established against the Appellant for overissued SNAP benefits she received from June 1, 2024, through December 31, 2024, because of "REDETERM/REPORTING FORM NOT COMPLETED/PROCESSED" (Exhibit D-17).
- 27) During the hearing, the Respondent testified that a "one-month agency error" adjustment could be applied to reduce the Appellant's claim amount to \$535.

APPLICABLE POLICY

Code of Federal Regulations 7 CFR § 273.2(f)(6) Documentation provides that case files must be documented to support eligibility, ineligibility, and benefit level determinations. Documentation shall be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination.

Code of Federal Regulations 7 CFR § 273.12(a)(5) Reporting Requirements provides that the State agency may establish a simplified reporting system in lieu of the change reporting requirements specified under paragraph (a)(1) of this section. The following requirements are applicable to simplified reporting systems:

- (i) *Included households.* The State agency may include any household certified for at least 4 months within a simplified reporting system.
- (ii) *Notification of simplified reporting requirement.* At the initial certification, recertification and when the State agency transfers the household to simplified reporting, the State agency shall provide the household with the following:
 - (A) A written and oral explanation of how simplified reporting works;
 - (B) For households required to submit a periodic report, a written and oral explanation of the reporting requirements including: ...
 - (3) How to obtain assistance in filing the periodic report; ...
- (iii) *Periodic report.*
 - (B) Submission of periodic reports by non-exempt households. Households that are certified for longer than 6 months, except those described in § 273.12(a)(5)(iii)(A),

must file a periodic report between 4 months and 6 months, as required by the State agency In selecting a due date for the periodic report, the State agency must provide itself sufficient time to process reports so that households that have reported changes that will reduce or terminate benefits will receive adequate notice of action on the report in the first month of the new reporting period

(E) If a household fails to file a complete report by the specified filing date, the State agency shall provide the household with a reminder notice advising the household that it has 10 days from the date the State agency mails the notice to file a complete report

- (iv) *Processing periodic reports.* In selecting a due date for the periodic report, the State agency must provide itself sufficient time to process reports so that the household will receive adequate notice of action on the report in the first month of the new reporting period. The State agency shall provide the household a reasonable period after the end of the last month covered by the report in which to return the report. The State agency shall provide the household a reasonable period after the end of the last month covered by the report in which to return the report.

Code of Federal Regulations 7 CFR § 273.12(b) *Report Forms* provides:

- (1) The State agency shall provide the household with a form for reporting the changes required in paragraph (a)(1) of this section to be reported within 10 days and shall pay the postage for the return of the form
- (3) Changes reported over the telephone or in person by the household shall be acted on in the same manner as those reported on the change report form.
- (4) A change report form shall be provided to newly certified households at the time of certification, at recertification if the household needs a new form; and a new form shall be sent to the household whenever a change report form is required by the household. A change report may be provided to the households more often at the State agency's option.

WVIMM § 1.4.1.D *Interim Contact Report (PRC-2)* provides that the interim contact form is due at the midpoint of the SNAP certification period to provide the SNAP AG with an avenue to report changes that have occurred since the last SNAP redetermination. A PRC-2 is not a full redetermination. A PRC-2 is complete when:

- The AG reports “I have read this form, and I made no changes” or “I have read this form, and I have reported changes” on the PRC-2; and
- If “I reported changes,” at least one changes is reported on the form; and
- If a change to income was reported on the form, proof of income is required; and
- All pages of the PRC-2 are received; and
- The form is signed with an acceptable signature.

WVIMM § 10.4.2.D *How to Process an Interim Contact Report (PRC-2)* provides that all SNAP AGs certified for 12 or 24 months must have a PRC-2 completed in the mid-month of eligibility (the sixth month for 12-month certification periods, the twelfth month for 24-month certification periods.) SNAP must not continue into the 7th/13th month of certification if a PRC-2 is not submitted. If the PRC-2 is returned late in the 7th/13th month, the worker can process the interim contact form and benefits will be prorated.

NOTE: The AG always has the right to file a new application form. The agency must allow either the PRC-2 or a new SNAP application to be submitted to continue eligibility.

Code of Federal Regulations 7 CFR § 273.2(c)(1)(ii) *Right to file in writing* provides that all households have the right to apply or to re-apply for SNAP in writing. The State agency shall neither deny nor interfere with a household's right to apply or re-apply in writing.

Code of Federal Regulations 7 CFR § 273.2(e)(1) *Interviews* provides that except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have face-to-face interviews with an eligibility worker at initial certification and at least once every 12 months thereafter.

West Virginia Income Maintenance Manual (WVIMM) § 1.2.2 *Redetermination Process* provides that periodic reviews of total eligibility for recipients are mandated by federal law and take place at specific intervals. Failure by the client to complete a SNAP eligibility redetermination will result in termination of benefits. If the client completes the redetermination process by the specified program deadline(s) and remains eligible, benefits must be uninterrupted and received at approximately the same time. The redetermination process involves basically the same activities described in the Application Process. Eligibility system changes and client notification of any changes resulting from the redetermination conclude the process.

WVIMM § 1.4.4.F *Late Redetermination Submission* When a SNAP AG is closed for a failure to return a completed redetermination form, a new application is not required when the completed redetermination form is returned by the last day of the month following the end of the certification period. All SNAP redeterminations require an interview. **WVIMM § 1.4.1.F *Reinstating from the Date the Household Provides the Information*** provides that a SNAP AG may be reinstated from the date the household provides the information and/or necessary verification without a new application when they meet the following conditions:

- The SNAP benefits must be in a closed status,
- The SNAP AG has at least one full month remaining in the certification period after the last month benefits are received,
- The SNAP AG must report and verify a change in circumstances during the 30 days following the last month benefits are received, and
- The SNAP AG must be eligible for SNAP benefits during the reinstatement month and the remaining months of the certification period

Code of Federal Regulations 7 CFR § 273.2(d)(1) *Household Cooperation* provides that to determine eligibility, the application form must be completed and signed, the household or its authorized representative must be interviewed, and certain information on the application must be

verified. If the household refuses to cooperate with the State agency in completing this process, the application shall be denied at the time of refusal. For a determination of refusal to be made, the household must be able to cooperate but clearly demonstrate that it will not take actions that it can take and that are required to complete the application process.... The household shall also be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility ...

WVIMM § 1.2.2.C Case Reviews and Case Maintenance provide that while a redetermination is a required periodic review of total eligibility, a review may be conducted at any time on a single or combination of questionable eligibility factor(s). The case maintenance process may involve a review or activities that update the Department's information about the client's circumstances between redeterminations. Changes in eligibility or the benefit amount may occur. If so, eligibility system action and client notification of any changes are required.

Code of Federal Regulations 7 CFR § 273.12(c) State agency action on changes provides that the State agency shall take prompt action on all changes to determine if the change affects the household's eligibility or allotment. **WVIMM § 1.4.10 Agency Delays** provides that if, because of an agency error, an application has not been acted on within the required time limit, corrective action must be taken immediately If the agency failed to act promptly on the information already received, benefits are retroactive to the date eligibility would have been established had the agency acted in a timely manner. See Section 9.2 for notification requirements.

REPAYMENT CLAIMS

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

Code of Federal Regulations 7 CFR § 273.18(b)(1) through (3) provides that an agency error claim is a claim for an overpayment caused by an action or failure to act by the State agency. **WVIMM § 11.2.3.A UPV Claims**, permits a UPV agency error claim may be established retroactively for the one year preceding the date of the discovery, when an error by the agency resulted in the over-issuance.

WVIMM § 11.2.3.A.1 Agency Errors instructs that for a failure to take prompt action, the first month of overissuance is the month the change would have been effective if the agency acted promptly.

DISCUSSION

A SNAP overissuance repayment claim was implemented against the Appellant. Although the Respondent's witness testified that the Appellant was out of certification in July 2024, the notice reflected the Appellant was overissued SNAP benefits from June through December 2024. According to the Respondent's witness, the Respondent failed to issue a PRC-2 to the Appellant,

which resulted in the Appellant receiving SNAP benefits beyond her certification period. The Appellant argued that she reported all changes as required, replied to the Respondent's requests for information, and should not have to repay SNAP benefits she received during the proposed period. During the hearing, the Respondent's witness affirmed that the Appellant reported required income changes and would have been otherwise eligible for SNAP benefits during the proposed period, if the PRC-2 form had been processed appropriately.

When an AG has been issued more SNAP benefits than it was entitled to receive, corrective action may be taken to recoup the difference between the AG's SNAP entitlement and the SNAP allotment received by the AG. Unintentional Program Violations (UPVs) include agency errors that result in SNAP benefit overissuance. The evidence revealed that on December 5, 2024, the Respondent's worker was made aware that an agency error occurred.

The Respondent bears the burden of proof and had to demonstrate by a preponderance of evidence that a SNAP repayment claim must be established because the Appellant was ineligible for the SNAP benefits she received from June through December 2024, due to an agency error.

Agency Error

The regulations provide that all households have the right to re-apply for SNAP in writing and stipulate that the Respondent shall neither deny nor interfere with a household's right to reapply in writing. According to the Quality Control findings narrative, the Appellant's certification period was from December 1, 2023, to November 30, 2024.

PRC-2 Form Submission

The federal regulations specify that households must file a periodic report between 4 months and 6 months. According to the Respondent's policy, the PRC-2 form is a periodic report form due at the midpoint of the SNAP certification period to allow the SNAP AG to report changes that have occurred since the last SNAP eligibility determination.

The Respondent was required to provide the Appellant's household with a PRC-2 form in April 2024 to establish SNAP eligibility from June 2024 and ongoing. During the hearing, the Respondent's witness indicated an agency error was made when the Respondent failed to supply the Appellant with the required PRC-2 form. The Respondent's witness argued that because a PRC-2 form was not submitted at the midpoint of the SNAP certification period, the Appellant was ineligible for SNAP benefits from July 2024 until December 2024, when a new application was submitted. Therefore, the Respondent's witness argued that corrective action must be taken to implement a SNAP overissuance repayment claim.

Pursuant to the policy, to continue SNAP eligibility into the 7th month of certification, a PRC-2 form must be submitted. The regulations specify that changes reported over the telephone or in person by the household shall be acted on in the same manner as those reported on the PRC-2 form. The Respondent is required to take prompt action on all reported changes to determine if the change affects the household's eligibility or allotment. Pursuant to the submitted evidence, the Respondent acted on the Appellant's reported April 2024 changes and continued her eligibility into the 7th month of certification. Because the Respondent was required to act on the reported

April 2024 changes in the same manner as those reported on the PRC-2 form, the Respondent failed to prove by a preponderance of evidence that the Appellant was ineligible for SNAP benefits beginning in June or July 2024.

The submitted evidence revealed that while approving the Appellant's SNAP eligibility into the 7th month of certification, the Respondent erroneously assigned the Appellant a new certification period without facilitating the completion of a new SNAP application or annual eligibility redetermination. When the Respondent fails to act promptly on information already received, corrective action must be taken and benefits restored retroactively to the date eligibility would have been established if the Respondent had acted in a timely manner. When the error was discovered, the Respondent should have responded by correcting the erroneous certification period in the Appellant's record.

Redetermination Process Completion

The Respondent's policy provides that redetermination is a required periodic review of total eligibility that involves basically the same activities described in the application process. Pursuant to the Appellant's original SNAP certification period, a full SNAP eligibility redetermination was due by November 30, 2024. The Respondent is required to provide the household with the relevant forms.

Instead of completing a redetermination form and interview with the Appellant to establish her ongoing SNAP eligibility, the evidence revealed that the Respondent issued a PRC-2 form to the Appellant in September 2024. On October 3, 2024, the Respondent approved the Appellant's ongoing SNAP eligibility with no change to the monthly allotment amount.

According to the regulations, the Respondent may not deny or interfere with the Appellant's right to re-apply in writing. When the agency was notified that the Appellant was outside of her certification period, the Respondent acted to correct the situation by notifying the Appellant, orally and in writing of her requirement to complete a SNAP application to continue her eligibility. As the Appellant completed a new SNAP application and was determined eligible in December 2024, the issue of completing a redetermination to establish December 2024 and ongoing SNAP eligibility is resolved.

Because the Respondent did not afford the Appellant a right to re-apply in writing before the end of the Appellant's certification period, retroactive eligibility must be established to the date eligibility would have been recognized if the Respondent acted in a timely manner to complete the Appellant's SNAP redetermination. As the Appellant was determined to be eligible for a SNAP increase in December 2024, the Respondent incorrectly determined that the Appellant was ineligible to receive SNAP benefits in December 2024.

Oral and Written Notification of Simplified Reporting Requirements

According to the regulations, the Respondent must notify the household orally and in writing of the simplified reporting requirements, including how to obtain assistance with filing the report. Pursuant to federal regulations, the Respondent is required to maintain case file records to support determinations of the household's eligibility, ineligibility, and benefit level determinations.

The evidence revealed that case maintenance reviews occurred in February, March, April, June, July, August, September, and October 2024. According to the submitted evidence, the Respondent did not orally explain, during case maintenance reviews or the September 2024 PRC-2 review, the details of the Appellant's simplified reporting requirements or how to obtain assistance with filing the required reports. The preponderance of evidence revealed that before December 2024, the Respondent did not notify the Appellant orally and in writing of her requirement to complete a SNAP application to continue her SNAP eligibility.

Because the Respondent did not notify the Appellant orally or in writing that she was required to complete a review until December 2024, the Appellant was unable to cooperate with the review process before the end of her certification period.

Repayment

To establish that the AG must repay overissued SNAP benefits, the preponderance of evidence had to verify that the AG was issued more SNAP benefits than it was entitled to receive, beginning in June 2024.

The Respondent's record revealed that on December 4, 2024, the Appellant received \$692 in SNAP allotment. According to the submitted evidence, after processing the Appellant's December 2024 SNAP application, the Appellant was approved to receive \$755 in monthly SNAP benefits for January 2025, and \$768 ongoing. The preponderance of evidence failed to demonstrate that the \$692 in SNAP benefits the Appellant received in December 2024 was more than she was eligible to receive.

Although the evidence demonstrated that the Respondent made errors in the Appellant's case, the submitted evidence failed to prove that the errors resulted in the Appellant receiving more SNAP benefits than she was entitled to.

CONCLUSIONS OF LAW

- 1) According to the regulations, changes reported over the telephone or in person by the household shall be acted on in the same manner as those reported on the PRC-2 form.
- 2) Because the Respondent was required to act on the reported April 2024 changes in the same manner as those reported on the PRC-2 form, the Respondent failed to prove by a preponderance of evidence that the Appellant was ineligible for SNAP benefits beginning in June 2024.
- 3) The regulations stipulate that the Respondent may not deny or interfere with the Appellant's right to re-apply in writing.
- 4) According to the regulations, the Respondent must notify the household orally and in writing of the simplified reporting requirements, including how to obtain assistance with filing the report.

- 5) The preponderance of evidence revealed that before December 2024, the Respondent did not notify the Appellant orally and in writing of her requirement to complete a SNAP application to continue her SNAP eligibility.
- 6) The preponderance of evidence demonstrated that the Respondent acted to correct the notification error by completing a new SNAP application with the Appellant in December 2024, resulting in the approval of the Appellant's ongoing SNAP eligibility at a higher monthly allotment amount.
- 7) Because the Respondent did not afford the Appellant a right to re-apply in writing before the end of the Appellant's original certification period, retroactive eligibility must be established to the date eligibility would have been recognized if the Respondent acted in a timely manner to complete the Appellant's SNAP redetermination.
- 8) An agency error repayment claim may be established when an action or failure to take action by the agency results in the AG receiving a SNAP overpayment.
- 9) The preponderance of evidence failed to demonstrate that the Appellant received more SNAP benefits than she was entitled to receive.
- 10) Because the evidence did not establish that a repayment claim should be imposed, the issue of the \$535 reduced claim amount is moot.

DECISION

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

ENTERED this 30th day of September 2025.

Tara B. Thompson, MLS
Certified State Hearing Officer