



October 9, 2025

[REDACTED]

RE: [REDACTED] v. OIG/IFM
ACTION NO.: 25-BOR-2379

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,

Todd Thornton
State Hearing Officer
Member, State Board of Review

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

cc: Carl Hostler, Esq., Assistant Attorney General
Paul Spradling

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

[REDACTED],

Appellant,

v.

Action Number: 25-BOR-2379

**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 September 23, 2025, upon a timely appeal filed on or about the time of an adverse notice from the Respondent to the Appellant.

The matter before the Hearing Officer arises from the January 6, 2025 decision by the Respondent to establish Supplemental Nutrition Assistance Program (SNAP) repayment claims.

At the hearing, the Respondent appeared by Carl Hostler, Esq., Assistant Attorney General. Appearing as witnesses for the Respondent were Elizabeth Mullins and Bridget Adkins. The Appellant appeared by [REDACTED]. The Appellant testified on her behalf and appearing as a witness for the Appellant was her husband, [REDACTED]. All witnesses were placed under oath, and the following documents were admitted into evidence.

EXHIBITS

Department's Exhibits:

D-1	SNAP application, dated October 10, 2023
D-2	Notice of decision, dated November 9, 2023

D-3 Employment verification for the Appellant

D-4 Employment verification for the Appellant's husband

D-5 Excerpt from the West Virginia Income Maintenance Manual (WVIMM)

D-6 SNAP claim calculation documents

D-7 SNAP review document, electronic signature date February 21, 2024
SNAP review document, signed March 14, 2024 and date-stamped March 18, 2024

D-8 Statement dated December 12, 2024

D-9 Case comments, entries dated October 6, 2023 through October 4, 2024

D-10 SNAP claim calculation documents

D-11 WVIMM excerpt

D-12 WVIMM excerpt

D-13 Notice of decision, dated January 6, 2025 (first claim)

D-14 Notice of decision, dated January 6, 2025 (second claim)

D-15 WVIMM excerpt

Appellant's Exhibits:

A-1 Notice of decision, dated November 9, 2023

A-2 SNAP review document, electronic signature date February 21, 2024

A-3 SNAP review document, signed March 14, 2024 and date-stamped March 18, 2024

A-4 Demand payment letter to the Appellant's husband, dated April 2, 2025

A-5 Demand payment letter to the Appellant, dated April 2, 2025

A-6 Incomplete notice dated April 30, 2025

A-7 Incomplete, undated notices

A-8 Case comments, entries dated April 7, 2022 through October 4, 2024

A-9 Illegible document

A-10 Envelope with illegible markings

A-11 Statement dated December 12, 2024

A-12 Cover email dated August 22, 2025
Emails dated September 18, 2024
Cover email dated August 22, 2025
Email dated July 14, 2023
Cover email dated August 22, 2025
Email dated July 14, 2023
Note from [REDACTED], dated August 29, 2025 (unsigned)

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 completed a SNAP application or review document dated October 10, 2023. (Exhibit D-1)
- 3) The Appellant reported the earned income of [REDACTED] from employment on her October 2023 SNAP application. (Exhibit D-1)
- 4) The Appellant reported the unearned income of child support on her October 2023 SNAP application. (Exhibit D-1)
- 5) The Respondent issued a notice dated November 9, 2023, to inform the Appellant she was approved for SNAP benefits for a household of three (3). (Exhibit D-2)
- 6) The Appellant was approved for a pro-rated SNAP allotment of \$219 in the month of October 2023. (Exhibit D-2)
- 7) The Appellant was approved for an ongoing monthly allotment of \$314 beginning in November 2023. (Exhibit D-2)
- 8) The Appellant's SNAP benefits were calculated based on the Appellant's reported earned and unearned income sources, which totaled \$2,616.82 monthly. (Exhibit D-2)

9) The Respondent's November 9, 2023 notice stated, in part, "You must contact this office and report if the gross income of the individuals included in the SNAP benefit increases to more than \$4,144.00 per month. Gross income is the amount of all unearned income received in a month, plus the amount of earned income before any taxes or other withholdings are taken out..."

10) The Appellant was hired by [REDACTED] on December 12, 2023. (Exhibit D-3)

11) In January 2024, the Appellant received earned income totaling \$1,922.96 (Exhibit D-3), and [REDACTED] received earned income totaling \$2,713.43 (Exhibit D-4), and the Appellant's household had unearned child support income in the amount of \$226.50 (Exhibit D-6), resulting in total household income of \$4,862.89.

12) The Appellant did not report the onset of her new income source, or the increase in total household income over the \$4,144 threshold. (Exhibits D-9, A-8, and A-12)

13) In March 2023, the Appellant was receiving SNAP benefits. (Exhibits D-9 and A-8)

14) The Appellant completed a review of her SNAP eligibility in March 2023. (Exhibits D-9 and A-8)

15) The Respondent noted in a case comment entry dated March 14, 2023, "[REDACTED] reported that [REDACTED] is moving in and they will [purchase and prepare] separately." (Exhibits D-9 and A-8)

16) The Respondent noted in a case comment entry dated July 12, 2023, "Client also stated that [REDACTED] is no longer employed as of 4/14/23. Asked client if she purchases and prepares meals with [REDACTED] – She stated 'yes'. Added [REDACTED] to SNAP AG." (Exhibits D-9 and A-8)

17) The Respondent additionally noted in a case comment entry dated July 12, 2023, "Client also asked how she is only [receiving] \$28 when her rent has doubled..." (Exhibits D-9 and A-8)

18) After the Appellant's hire date of December 11, 2023, she continued to receive a monthly SNAP allotment of \$314 in January 2024, February 2024, March 2024, April 2024, and May 2024. (Exhibit D-6, *SNAP Issuance History – Disbursement*.)

19) When the Appellant's SNAP allotment changed in June 2024, the change was an increase from a monthly allotment of \$314 to a monthly allotment of \$525. (Exhibit D-6, *SNAP Issuance History – Disbursement*.)

20) After starting employment with [REDACTED] in December 2023, and receiving unchanged SNAP allotments in January 2024 and February 2024, the Appellant completed a SNAP review form online. (Exhibits A-2 and D-7)

- 21) After starting employment with [REDACTED] in December 2023, and receiving unchanged SNAP allotments in January 2024, February 2024, and March 2024, the Appellant completed another version of the same SNAP review document using a paper form. (Exhibits A-3 and D-7)
- 22) Both review forms (Exhibits A-2, A-3, and D-7) read, in part, “The household’s gross earned income (before taxes) used in your SNAP budget is \$2,390.32.”
- 23) Both review forms (Exhibits A-2, A-3 and D-7) supplement the earned income statement with the question, “Has your household’s gross earned income (including earnings from self-employment) increased or decreased by more than \$125 from the amount above?”
- 24) The Appellant marked ‘no’ to this question, on the review document she signed electronically on February 21, 2024 (Exhibits A-2 and D-7), and on the review document she signed on March 14, 2024 (Exhibits A-3 and D-7).
- 25) Both review forms (Exhibits A-2, A-3 and D-7) supplement the earned income statement with the question, “Has anyone had a change in earnings (including earnings from self-employment) because they changed, started or stopped a job?”
- 26) The Appellant additionally marked ‘no’ to this question, on the review document she signed electronically on February 21, 2024 (Exhibits A-2 and D-7), and on the review document she signed on March 14, 2024 (Exhibits A-3 and D-7).
- 27) The Respondent worker made a case comment dated September 9, 2024, noting the discovery of the Appellant’s onset of earned income beginning in December 2023. (Exhibits D-9 and A-8)
- 28) This comment noted, in part, “Documenting her statement of report and referring case in hopes investigation will result favorably.” (Exhibits D-9 and A-8)
- 29) The Appellant filed a motion to request the Respondent provide the entire case file to prepare for the fair hearing in this matter, and the motion was granted during a July 29, 2025 scheduling conference.
- 30) During this July 29, 2025 scheduling conference, a hearing date was set for August 26, 2025, and the Respondent was given an August 12, 2025 deadline for providing the required case file.
- 31) The Respondent discovered a technical issue preventing compliance with the case file instructions on August 5, 2025, but did not communicate this information to the Board of Review upon discovery.
- 32) The Respondent did not comply with the August 12, 2025 deadline to provide the Appellant the full case file and did not comply after the deadline.

- 33) The Respondent's Investigations and Fraud Management (IFM) worker generated a repayment referral to herself on November 18, 2024. (Exhibit D-6, *Benefit Recovery Referral*)
- 34) The Respondent did not provide case file information including a referral made by the Respondent's eligibility worker, according to the case comment made on September 9, 2024. (Exhibits D-9 and A-8)
- 35) The Respondent's IFM worker pursued its worker-generated referral on September 9, 2024 (Exhibits D-9 and A-8) – or its self-generated referral on November 18, 2024 (Exhibit D-6, *Benefit Recovery Referral*) – as a potential Intentional Program Violation (IPV) of SNAP.
- 36) The Respondent did not provide case file information to show that it notified the Appellant of a potential IPV claim by delivering: 1) an appointment letter scheduling a face-to-face interview; 2) a letter explaining the claim, cause, and amount, including a waiver of rights to an administrative disqualification hearing; or, 3) a request that the Appellant return the signed waiver of rights.
- 37) The Appellant and the Respondent's IFM worker met for an interview in December 2024.
- 38) The Respondent's IFM worker completed a witness statement form (Exhibit D-8) for the Appellant during the December 2024 interview.
- 39) This witness statement noted, in part, “I dont [sic] have money to repay this mistake by the department.” (Exhibit D-8)
- 40) The Respondent advised the Appellant of a negative action in writing, or orally, or both, in conjunction with the December 2024 interview meeting.
- 41) The Appellant requested a hearing in conjunction with the December 2024 interview meeting.
- 42) This hearing request was not received by the Board of Review.
- 43) The Appellant filed a second hearing request in writing on June 23, 2025.
- 44) The Appellant's first hearing request is preserved for purposes of determining the timeliness of this matter.
- 45) The Respondent additionally notified the Appellant of the establishment of two SNAP repayment claims in January 2025. (Exhibits D-13 and D-14)
- 46) The Respondent mailed the Appellant a letter dated January 6, 2025, establishing a client error SNAP claim in the amount of \$314 for the month of March 2024. (Exhibit D-13)

47) The Respondent mailed the Appellant a letter dated January 6, 2025, establishing a client error SNAP claim in the amount of \$2,238 covering the months from April 2024 through September 2024. (Exhibit D-14)

APPLICABLE POLICY

Code of Federal Regulations 7 CFR § 273.18 provides, in part:

§ 273.18 Claims against households.

(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 trafficks or otherwise causes an overpayment or trafficking.

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

An . . .	is . . .
(1) Intentional Program violation (IPV) claim	any claim for an overpayment or trafficking resulting from an individual committing an IPV. An IPV is defined in § 273.16.
(2) Inadvertent household error (IHE) claim	any claim for an overpayment resulting from a misunderstanding or unintended error on the part of the household.

An . . .	is . . .
(3) Agency error (AE) claim	any claim for an overpayment caused by an action or failure to take action by the State agency.

West Virginia Income Maintenance Manual (WVIMM) § 11.2 provides, in part:

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...

WVIMM § 11.2.1 provides, in part (emphasis added):

The establishment, notification, and collection of SNAP claims is the responsibility of the Investigations and Fraud Management (IFM) Claims and Collections Unit (CCU). The collection staff members are known as Repayment Investigators (RI). Upon discovery of a potential SNAP claim, **the Worker refers the case to the RI through the eligibility system**. In determining if a referral is appropriate, the Worker must consider the client's reporting requirements, the Worker's timely action, and the advance notice period...

WVIMM § 11.2.5.B.2 provides, in part:

In the case of a potential IPV, the AG is notified of the claim by one of the following:

- An appointment letter scheduling a face-to-face interview
- A letter explaining the claim, cause, and amount, which includes a Waiver of Rights to an ADH
- A request that the client return the signed Waiver of Rights
 - Repayment Interview

A Repayment Interview is conducted in conjunction with the interview to discuss the signing of the Waiver of Rights to an ADH. During the interview, the client is asked to sign form ES-REPAY-1, Repayment Agreement, after the options on the agreement are explained. After the ES-REPAY-1 is thoroughly explained, the IFM Worker advises the client to leave the signed form at the front desk at the local office or return it by mail...

Common Chapters, Chapter 700, § 700.16.B provides, in part (emphasis added):

B. Hearing Request Time Limits

1. The time limit for requesting a hearing shall be 90 days from the effective date of the action. For Summer EBT the time limit for requesting a hearing shall be within 90 days after the end of the summer operational period.
2. **If a current Recipient requests a hearing prior to the effective date of the adverse action then the adverse action shall be delayed pending a hearing decision...**

WVIMM § 11.2.3.A.2 defines client error claims and provides, in part:

When the client fails to provide accurate or complete information, the first month of the overissuance is the month the incorrect, incomplete, or unreported information would have affected the benefit level considering notice and reporting requirements...

WVIMM § 10.4.2.A explains limited reporting requirements for SNAP recipients, and provides, in part:

...When approved with a gross non-excluded income above 130% of the FPL, an AG must report when the total gross non-excluded earned and unearned income of the IG exceeds 200% of the FPL for the number of individuals in the original AG...

WVIMM Chapter 4 - Appendices, provides a change log showing change #841 made on October 1, 2023, providing the Appendix A to Chapter 4 in effect at the time of the claim establishment. Change #841 to Appendix A of Chapter 4, under the heading “SNAP Gross / Net Test” and the subheading “Cat El Gross 200%,” shows 200% of the FPL for a household size of three is \$4,144.

DISCUSSION

The Appellant has appealed the decision of the Respondent to establish SNAP repayment claims. The Respondent established two SNAP repayment claims based on unreported income by the Appellant, spanning the period from March 2024 through September 2024. One claim was for March 2024 in the amount of \$314, and the other covers the remaining months from April 2024 through September 2024 in the amount of \$2,238. Both claims were classified as client error claims. The Respondent must show, by a preponderance of the evidence, that it correctly established these two SNAP claims totaling \$2,552.

The Respondent received a written hearing request from the Appellant regarding this matter on June 23, 2025. The Respondent failed to forward this request to the Board of Review until July 10, 2025. The request superficially appeared to be untimely relative to a reported notification date of

January 6, 2025. A scheduling conference was held on July 29, 2025, to determine if the request was timely and to address a motion from the Appellant for the entire case file.

The Appellant's hearing request was determined timely because the Appellant requested a hearing in December 2024, and this hearing request was not received by the Board of Review. The Appellant offered convincing testimony describing a December 2024 repayment interview in which she became upset over the nature of the meeting, and, according to the statement prepared for the Appellant by the Respondent's IFM worker, did not "have money to repay this mistake." (Exhibit D-8) The Appellant's testimony that she requested a hearing in conjunction with this meeting is persuasive and the Appellant's hearing request made in December 2024 is timely.

The Appellant's motion to compel the Respondent to provide the entire case file was granted. The Respondent did not comply with the instructions to provide the case file by an established deadline, or even by the ultimate hearing date. The entire case file includes absolutely everything regarding the Appellant's entire case history, in paper and electronic form, and the request presents an enormous task on the part of the Respondent. A case file request may be limited to relevant documents, but the only appropriate relevancy determination in such a situation is one made by the Appellant. The Appellant, by her attorney, refused to actively participate in an on-site review of documents to determine relevancy. The Appellant's attorney offered no other solution to this problem, and the Respondent was left to decide what parts of the case file to provide. The Respondent's IFM worker delegated this task to operations staff, encountered a technical issue with obtaining records from the Respondent's data system and did not advise the Board of Review of the technical issue upon discovery.

Although the Respondent failed to provide all records related to the Appellant's case, there was no convincing argument offered that this harmed the Appellant in the presentation of her case. The Appellant filed a motion to dismiss this case on that basis, which is denied. The Respondent prepared documents in and around the months immediately preceding the claim period, through the discovery of the claim issue and the repayment referral from the Respondent's eligibility worker. The issue causing the claim is unreported income. The onset of the unreported income sets an approximate start to the relevant chronological period from the file (although some individuals may be aware of employment far in advance of receiving their first paycheck, this was not the case for the Appellant). Ordinarily, the end of the claim period sets the approximate end to the relevant chronological period from the file. The Respondent provided information from several months before the origin of the claim issue to the month after the end of the claim period. Nothing from the claim period case file documentation showed the Appellant reported her employment and earned income before September 2024. Emails provided by the Appellant show she reported other information (Exhibit A-12), but not the income in question.

Both parties presented case comments maintained by Respondent eligibility workers regarding the Appellant's case, and neither period (the Appellant's Exhibit A-8 begins with an April 2022 entry) reveal any report of new employment or earnings prior to September 2024. These comments do, however, reveal the Appellant's awareness of SNAP budget factors affecting her benefit allotment that make the Appellant's contention that she reported this information unconvincing. Prior to the claim period, the Appellant reported [REDACTED] in her home but not 'purchasing and preparing' food with her, which excluded [REDACTED] and his income at the time from being included in her

SNAP budget. Upon [REDACTED] loss of employment, the Appellant reported that [REDACTED] had started to purchase and prepare food with her, thus including him in her SNAP budget without income. The Appellant challenged the level of her SNAP allotment based on a change in her rent. The Appellant was aware that income, deductions from income, and household composition affect the level of SNAP benefits she would receive.

The Appellant completed two SNAP review documents after the onset of her employment. These documents were intended for the same review and include the same questions and responses regarding earned income from employment. The Appellant signed one document in February 2024 and the other in March 2024. These documents are populated by the Respondent's computer system with the gross earned income on file for the Appellant's household and ask questions referring to this amount. The form asked if this amount (\$2,390.32 for the Appellant's household) changed by \$125, or if it changed by any amount because of changes in employment, and the Appellant marked both questions 'no' on both forms. Prior to this review, the Appellant was required to report a change in her gross income if it exceeded \$4,144 monthly. The Appellant's household gross income in January 2024 was \$4,862.89, over this limit and over twice the reference amount shown on the review forms. The Appellant contended she reported her employment and earnings prior to this and answered 'no' because she believed the reference amount on the review forms already included her income from her new job. This is unconvincing first because it is unclear how the Appellant believes the Respondent derived an income amount without actively verifying it. It is also unconvincing when there is no case comment showing the income reporting the Appellant claims. Finally, it is unconvincing because the same individual who challenged a \$28 monthly SNAP allotment during a July 12, 2023 contact with a Respondent worker because "her rent has doubled" argued that she believed the Respondent had all income sources on file even as her income doubled and her SNAP allotment remained the same.

Because the Appellant did not report the income causing the repayment claim, the claim is correctly classified as a 'client error' claim. The Appellant offered no specific dispute of claim calculation, and the Respondent correctly applied unreported income to the initial SNAP budget amounts to determine corrected SNAP allotments and derive the resulting claim amounts. The action of the Respondent to establish two SNAP repayment claims due to unreported income is affirmed.

CONCLUSIONS OF LAW

- 1) Because the Appellant did not report excessive gross income within the certification period as required by policy, the Appellant received SNAP benefits to which she was not entitled.
- 2) Because the Appellant explicitly reported no change from income amounts shown on SNAP review forms, the Appellant received SNAP benefits to which she was not entitled.
- 3) Because the Appellant would have received SNAP benefits totaling \$2,552 less than what she did receive during the claim period of March 2024 through September 2024, the

Respondent correctly established two SNAP repayment claims spanning this period totaling \$2,552.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's establishment of SNAP repayment claims.

ENTERED this _____ day of October 2025.

Todd Thornton
State Hearing Officer