



December 23, 2025

[REDACTED]

RE: [REDACTED] v. OIG/IFM  
ACTION NO.: 25-BOR-3257

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 people 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,

Amy Hayes  
State Hearing Officer  
Member, State Board of Review

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

cc: Steven Compton, Assistant Attorney General  
Lisa Snodgrass, Department Representative

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

[REDACTED]

**Defendant,**

v.

**Action Number: 25-BOR-3257**

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

**Movant.**

**DECISION OF STATE HEARING OFFICER**

**INTRODUCTION**

This is the decision of the State Hearing Officer resulting from an Administrative Disqualification Hearing for [REDACTED] requested by the Movant on November 7, 2025. This hearing was held in accordance with the provisions found in Chapter 700 of the Office of Inspector General Common Chapters Manual and Federal Regulations at 7 CFR §273.16. The hearing was convened on December 16, 2025.

The matter before the Hearing Officer arises from a request by Investigations and Fraud Management for a determination as to whether the Defendant has committed an Intentional Program Violation and should be disqualified from the Supplemental Nutrition Assistance Program (SNAP) for ten (10) years.

At the hearing, the Movant appeared by Steven Compton, Assistant Attorney General. Appearing as a witness for the Movant was Lisa Snodgrass, Investigations and Fraud Management. The Defendant failed to appear. The witnesses were placed under oath, and the following documents were admitted into evidence.

**Movant's Exhibits\*:**

- M-1 SNAP Application dated November 21, 2024, for Defendant
- M-2 Case comments screen prints dated November 22, 2024, through January 3, 2025
- M-3 Letters from West Virginia Office of Inspector General (OIG) to the Defendant dated October 8, 2025, and October 20, 2025
- M-4 Advance Notice of Administrative Disqualification Hearing Waiver dated October 27, 2025
- M-5 Email from the [REDACTED] Family Support Division with information regarding benefits issued in that state for the Defendant and an Application for Supplemental Nutrition

Assistance Program (SNAP) with the [REDACTED] Department of Social Services completed by the Defendant

M-6 State of [REDACTED] Electronic Benefit Transfer (EBT) Transaction History for [REDACTED] [REDACTED] for transactions dated August 1, 2024, through February 12, 2025

M-7 State of West Virginia EBT Transaction History for transactions dated November 22, 2024, through January 25, 2025

M-8 Food Stamp Claim Determination Form; Case Benefit Summary screen print; United States Department of Agriculture Food and Nutrition Service Electronic Disqualified Recipient System (eDRS) screen print

M-9 West Virginia Income Maintenance Manual § 2.6, § 3.2.1.B, § 11.2.5.B, § 11.6.1; Excerpts of the Code of Federal Regulations

\*During the hearing, the Hearing Official incorrectly described and admitted the Movant's Exhibits as D-1 through D-9.

**Defendant'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 Movant alleged that the Defendant committed an Intentional Program Violation (IPV) by making a fraudulent statement or representation by receiving SNAP benefits from multiple states in the same months. (Exhibit M-4)
- 2) The Defendant was notified of the hearing by scheduling order mailed on November 12, 2025. The Defendant failed to appear for the hearing or provide good cause for her failure to do so. In accordance with 7 CFR §§273.16 (e)(3) and 273.16(e)(4) and Office of Inspector General Common Chapters Manual §740.20, the hearing was held without the Defendant in attendance.
- 3) The Defendant applied for SNAP benefits in the State of [REDACTED] on July 10, 2024, and reported her address as [REDACTED]. (Exhibit M-5)
- 4) The Defendant received SNAP benefits from the State of [REDACTED] from August 2024 through February 2025. (Exhibit M-5)
- 5) The Defendant used an Electronic Benefit Card (EBT) card issued by the State of [REDACTED] to buy food between August 1, 2024 and February 12, 2025. (Exhibit M-6)

- 6) The Defendant applied for SNAP benefits in the State of West Virginia on November 21, 2024, and reported her address as [REDACTED]. (Exhibit M-1)
- 7) On the application for SNAP in the State of West Virginia, in response to the question “Did the household move from another state?” the Defendant did not enter a response. (Exhibit M-1)
- 8) The Defendant signed the Rights and Responsibilities form on November 21, 2024, acknowledging her understanding that making a false statement to receive duplicate benefits would result in disqualification from SNAP for a period of ten (10) years. (Exhibit M-1)
- 9) The social security number of the applicant on the Defendant’s applications for SNAP benefits in the State of [REDACTED] and the State of West Virginia is the same. (Exhibit M-1, Exhibit M-5)
- 10) The Defendant was approved for SNAP in West Virginia beginning on November 21, 2024.
- 11) The Defendant used an EBT card issued by the State of West Virginia, to buy food in West Virginia, between November 22, 2024 and January 25, 2025. (Exhibit M-7)
- 12) On October 27, 2025, the Office of Inspector General, Investigations and Fraud Management Unit, sent the Defendant an Advance Notice of Administrative Disqualification Hearing Waiver which notified her that she was alleged to have violated a SNAP rule by receiving SNAP benefits in multiple states. (Exhibit M-4)
- 12) The Advance Notice of Disqualification Hearing Waiver was not signed or returned by the Defendant.

### **APPLICABLE POLICY**

**Code of Federal Regulations 7 CFR §273.16** explains Administrative Disqualification Hearing procedures:

**§ 273.16 Disqualification for intentional Program violation.**

**(a) Administrative responsibility.**

(1) The State agency shall be responsible for investigating any case of alleged intentional Program violation, and ensuring that appropriate cases are acted upon either through administrative disqualification hearings or referral to a court of appropriate jurisdiction in accordance with the procedures outlined in this section.

**(b) Disqualification Penalties**

Individuals found to have committed an Intentional Program Violation either through an administrative disqualification hearing or by a Federal, State or local court, or who have signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement in cases referred for prosecution, shall be ineligible to participate in the Program:

For a period of twelve months for the first Intentional Program Violation, except as provided under paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section;

(5) Except as provided under paragraph (b)(1)(iii) of this section, an individual found to have made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple SNAP benefits simultaneously shall be ineligible to participate in the Program for a period of 10 years.

**(c) Definition of an Intentional Program Violation**

Intentional Program Violations consist of having intentionally made a false or misleading statement, or misrepresented, concealed or withheld facts; or committed any act that constitutes a violation of SNAP, SNAP regulations, or any State statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of SNAP benefits or Electronic Benefit Transfer (EBT) cards.

**(e) Criteria for Determining Intentional Program Violation**

The hearing authority shall base the determination of intentional Program violation on clear and convincing evidence which demonstrates that the household member(s) committed, and intended to commit, intentional Program violation as defined in paragraph (c) of this section.

**West Virginia Income Maintenance Manual, Section 2.6 describes the Penalty for Duplication of Benefits, in pertinent part:**

**2.6 Penalty for Duplication of Benefits**

The Worker must explore the possibility of intentional misrepresentation when the client is receiving benefits of any type in more than one county or state at the same time. See the Department of Human Services (DOHS) Office of Inspector Generals (OIG) Common Chapters Manual for procedures involving misrepresentation.

Program benefits may be affected for those who intentionally receive duplicate benefits. These vary by program, as follows.

**2.6.1 Supplemental Nutrition Assistance Program (SNAP)**

A client who has made a fraudulent statement or representation about his identity or place of residence in order to receive multiple SNAP benefits simultaneously is ineligible to receive SNAP benefits for a 10-year period. The 10-year period begins on the date the client is found guilty in a federal or state court or in an Administrative Disqualification Hearing (ADH). This applies to multiple benefits received in more than one state or in the

same state. Conviction of, or ADH finding of, attempting to receive such multiple benefits carries the same disqualification penalty as actual receipt of the benefits.

**West Virginia Income Maintenance Manual, Section 3.2.1 describes The Assistance Group, in pertinent part:**

**3.2.1.B Who Cannot Be Included**

The following individuals who reside with an AG are not considered AG members or are ineligible to be included in the AG. See The Income Group (IG) below for treatment of these individuals' income.

**3.2.1.B.1 Clients in Another State**

Individuals may only receive SNAP from one state in any month. Therefore, individuals who have already received or will receive SNAP in another state are ineligible to be included in a SNAP AG in West Virginia for that same month. Exceptions for those in a shelter for battered persons can be found in Chapter 16.

**3.2.1.B.3 Individuals Excluded by Law**

Persons who are excluded by law and their periods of ineligibility are found below.

**➤ Receipt of Simultaneous Multiple Benefits**

When an individual is determined by an Administrative Disqualification Hearing (ADH) or Conviction in a State or Federal Court, Due to a Fraudulent Statement with Respect to Identity or Place of Residence.

Period of ineligibility: Excluded for 10 years.

**West Virginia Income Maintenance Manual, Section 11.2.5.B describes Claim Notification for Intentional Program Violations, in pertinent part:**

**11.2.5.B.2 IPV Claims**

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.

**➤ Computer-Generated Letter**

When an IPV claim is established through an ADH or court decision, the AG is sent a computer-generated letter notifying it of the claim amount. Form ES-REPAY-1 and a postage-paid envelope are enclosed.

**West Virginia Income Maintenance Manual Section 11.6 describes Welfare Fraud, in pertinent part:**

#### **11.6.1 Definition Of Welfare Fraud**

The principle statute dealing with obtaining welfare assistance through misrepresentation is Section 4, Article 5, Chapter 9, of the Code of West Virginia, 1936 as amended:

“Any person who obtains or attempts to obtain, or aids or abets an applicant or recipient in obtaining or attempting to obtain, by means of a willfully false statement or misrepresentation or by impersonation or any other fraudulent device:

- Any class of welfare assistance to which the applicant or recipient is not entitled; or
- Any class of welfare assistance in excess of that to which the applicant or recipient is justly entitled shall upon conviction be punished as follows:
  - o If the aggregate value of all funds or other benefits obtained or attempted to be obtained shall be less than five hundred dollars, the person so convicted shall be guilty of a misdemeanor and shall be fined not more than one thousand dollars or confined to jail not exceeding one year; or
  - o If the aggregate value of all funds or other benefits obtained or attempted to be obtained shall exceed five hundred dollars, the person so convicted shall be guilty of a felony and shall be fined not more than five thousand dollars or confined in the penitentiary not less than one year nor more than five years.”

The important elements constituting an offense under this statute are that any false representation was willfully made or that any other device to obtain assistance was a misrepresentation.

A willfully false statement is one that is deliberately given, with the intent that it be accepted as true, and with the knowledge that it is false. It is an essential element in a misrepresentation charge that the client knew his statement was false.

The misrepresentation must be of an existing fact and cannot be said to be willfully false if it is merely an expression of opinion.

Likewise, it is not essential that an affirmative representation be made. Misrepresentation may also be the suppression of what is true, as well as in the representation of what is false.

#### **DISCUSSION**

Pursuant to federal regulations, an Intentional Program Violation (IPV) occurs when an individual makes false or misleading statements, misrepresents facts, conceals or withholds information, and

commits any act that violates the Food Stamp Act of 1977, Supplemental Nutrition Assistance Program (SNAP) regulations, or any State statute related to the use, presentation, transfer, acquisition, receipt, or possession of SNAP benefits. An individual who is found to have committed an IPV is ineligible to participate in SNAP for a specified time, depending on the offense committed.

The finding of an IPV must be determined based on clear and convincing evidence which demonstrates that the individual committed, and intended to commit, an IPV. In addition, a client who has made a fraudulent statement or representation about his identity or place of residence in order to receive multiple SNAP benefits simultaneously is ineligible to receive SNAP benefits for a 10-year period.

The Respondent provided a SNAP application for the State of [REDACTED], completed by the Defendant on July 10, 2024. On this application, the Defendant indicated that her home address was in [REDACTED]. The Respondent also provided a SNAP application for the State of West Virginia, completed by the Defendant on November 21, 2024. On this application, the Defendant indicated that her household address was in West Virginia. In response to a question on the application which states, "Did the household move from another state?" the Defendant did not enter a response.

The Respondent provided Electronic Benefit Transfer (EBT) transaction records from the State of [REDACTED], that show that the Defendant spent SNAP benefits issued by [REDACTED], from August 2024 to February 2025. The Respondent also provided EBT transaction records from the State of West Virginia, that show that the Defendant received and spent SNAP benefits issued by West Virginia, from November 2024 to January 2025. The cardholder name on both sets of transaction records is the Defendant.

Withholding information is included in the definition of an IPV. The Respondent demonstrated by clear and convincing evidence that the Defendant withheld information on her application, and that she received multiple SNAP benefits simultaneously. The actions of the Defendant meet the definition of an Intentional Program Violation Duplication of Benefits.

## CONCLUSIONS OF LAW

- 1) Pursuant to federal regulations, an Intentional Program Violation occurs when an individual makes false or misleading statements, misrepresents facts, conceals or withholds information, and commits any act that violates the Food Stamp Act of 1977, SNAP regulations, or any State statute related to the use, presentation, transfer, acquisition, receipt, or possession of SNAP benefits.
- 2) The Defendant withheld information that her household moved from another state and that she was receiving Supplemental Nutrition Assistance Program (SNAP) benefits from the State of [REDACTED], when she applied for SNAP benefits from the State of West Virginia.
- 3) The Defendant received SNAP benefits from multiple states in the same month during the months of November 2024, December 2024, and January 2025.

- 4) The Defendant committed an Intentional Program Violation which was Duplication of Benefits.
- 5) The penalty for Intentional Program Violation for Duplication of Benefits is exclusion from participation in SNAP for (ten) 10 years.

### **DECISION**

It is the finding of the State Hearing Officer that the Defendant committed an Intentional Program Violation. As this is a Duplication of Benefits, she shall be excluded from participation in the Supplemental Nutrition Assistance Program for a period of ten (10) years, effective February 1, 2026.

**ENTERED this 23rd day of December 2025.**

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**Amy Hayes  
State Hearing Officer**