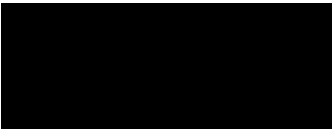




December 4, 2025



RE: [REDACTED] v. OIG/IFM  
ACTION NO.:25-BOR-2887

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,

Pamela L. Hinzman  
State Hearing Officer  
Member, State Board of Review

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

cc: Carl Hostler, Assistant Attorney General

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

[REDACTED]

**Appellant,**

**v.**

**Action Number: 25-BOR-2887**

**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 Samantha Dennison. 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 originally convened on November 18, 2025, and was reconvened on December 2, 2025.

The matter before the Hearing Officer arises from the April 10, 2025, decision by the Respondent to establish a repayment claim for Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Carl Hostler, Esq., Assistant Attorney General. Appearing as a witness for the Respondent was Sarah Ellis, Repayment Investigator. The Appellant was self-represented. Appearing as a witness for the Appellant was [REDACTED] the Appellant's boyfriend. The witnesses were placed under oath and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Notice of Decision dated May 24, 2024
- D-2 Notice of Decision dated August 26, 2024
- D-3 Notice of Decision dated October 25, 2024
- D-4 Notice of Repayment dated April 10, 2025
- D-5 Food Stamp Claim Determination form
- D-6 SNAP Claim Calculation Sheet, Food Stamp Claim Determination, SNAP Claim Calculation Sheet, and Food Stamp Allotment Determination
- D-7 Employee Wage Data
- D-8 Case Benefit Summary
- D-9 West Virginia Income Maintenance Manual Chapter 1.3.1.A.3

- D-10 West Virginia Income Maintenance Manual Chapter 11.2.3.A.2
- D-11 West Virginia Income Maintenance Manual Chapter 11.2.7
- D-12 West Virginia Income Maintenance Manual Chapter 10.4.2
- D-13 Case Comments from Respondent's computer system

**Appellant's Exhibits:**

- A-1 Page from repayment notice marked as received on July 14, 2025, in [REDACTED] County DoHS office
- A-2 Employment Statement for [REDACTED] originally marked as received by [REDACTED] County DoHS office on May 20, 2024

The Respondent's counsel moved to dismiss the Appellant's fair hearing request as untimely as it was received by the Respondent's Investigations and Fraud Management (IFM) Unit on September 17, 2025; however, the Appellant and [REDACTED] contended that they filed a fair hearing request concerning the SNAP repayment with the [REDACTED] County DoHS office in July 2025. While Case Comments did not confirm that a hearing request had been submitted in July 2025, [REDACTED] provided the first page of the repayment notice sent to him, which he contended was attached to a fair hearing request. The page was date-stamped as having been received in the [REDACTED] County DoHS office on July 14, 2025. While the July 14, 2025, submission date slightly exceeded the 90-day hearing filing deadline, the hearing was allowed to proceed to compensate for the Appellant's mail delivery time/receipt of the April 10, 2025, repayment notice and to ensure due process rights.

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 Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) The Appellant completed a SNAP eligibility redetermination in October 2024, at which time income was reported for [REDACTED]
- 3) Employee Wage Data indicates that [REDACTED] had income from [REDACTED] (a subsidiary of [REDACTED], Inc.) for the second, third, and fourth quarters of 2024 (Exhibit D-7).
- 4) The Respondent calculated that the Appellant received \$3,834 in SNAP benefits to which she was not entitled for the period of July 2024 through November 2024 due to [REDACTED] uncounted income (Exhibits D-5 and D-6).
- 5) The Respondent sent the Appellant a notice on April 10, 2025, informing her of the proposed repayment of SNAP benefits due to a client error (Exhibit D-4).

- 6) The Respondent notified the Appellant on October 25, 2024, that her SNAP benefits would stop effective December 2024, due to excessive income (Exhibit D-3).
- 7) A “ [REDACTED] ” Employment Statement for [REDACTED] was date-stamped as received by the [REDACTED] County DoHS office on May 20, 2024 (Exhibit A-1).
- 8) The Employment Statement, signed by a Delivery Supervisor for the company, indicates that [REDACTED] began work on April 22, 2024, and was expected to work between 40 and 50 hours per week at an hourly rate of \$23.90 (Exhibit A-1).

### **APPLICABLE POLICY**

Code of Federal Regulations Title 7 §273.18 explains SNAP repayment claims:

(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:

- (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 explains repayment procedures:

## **11.2 SNAP Claims and Repayment Procedures**

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.

### **11.2.3 Identifying the Month(s) for Which Claims are Established**

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

#### **11.2.3.A UPV Claims**

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.

#### **11.2.3.A.1 Agency Errors**

*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.

#### **11.2.3.A.2 Client Errors**

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.

#### **11.2.5 Collecting the Claim**

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.

#### **11.2.6 Determining the Repayment Amount**

The minimum amount of repayment is determined as follows.

##### **11.2.6.A UPV Client and Agency Errors**

###### **11.2.6.A.1 Current Recipients**

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

###### **11.2.6.A.2 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.

## **DISCUSSION**

Regulations state that 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. SNAP benefits to which the AG was not entitled must be repaid, regardless of the type of error. An agency error claim is established

based on the agency's failure to take prompt action, and the first month of overissuance is the month the change would have been effective had the agency acted promptly. The earned income deduction is applied when calculating agency error claims.

The Respondent established a client error repayment claim, contending that the Appellant failed to report [REDACTED] income until her case redetermination was due in October 2024. However, [REDACTED] provided documentation (which was available to the Respondent) to verify that he submitted an Employment Statement to the [REDACTED] County DoHS on May 20, 2024, following his April 22, 2024, hire date. It is unclear why the income was not entered into the Appellant's SNAP case by the Respondent's staff.

Whereas the Appellant received SNAP benefits to which she was not entitled for the period of July 2024 through November 2024, the Respondent's decision to establish a repayment claim is affirmed. However, the claim must be designated as an agency error because the income information was clearly reported to the [REDACTED] County DoHS office by [REDACTED] in May 2024 and the agency failed to act on the documentation. The repayment claim must be recalculated since the earned income deduction is applied when calculating agency error claims.

### **CONCLUSIONS 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) [REDACTED] submitted his new income information to the Respondent in May 2024; however, the Respondent failed to add the income to the Appellant's SNAP case.
- 3) The Appellant received SNAP benefits to which she was not entitled for the period of July through November 2024, because [REDACTED] income was not considered in her SNAP case.
- 4) The Respondent's decision to implement a repayment claim of SNAP benefits for the Appellant is affirmed.
- 5) The error must be recorded as an agency error since the income information was reported to the Respondent in May 2024.
- 6) The repayment claim must be recalculated since the earned income deduction is applied when calculating agency error claims.

## **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the action of the Respondent to establish a repayment claim against the Appellant. The case is **REMANDED** to the Respondent so that the claim can be recorded as an agency error and the repayment amount can be recalculated, subject to all fair hearing rights, to allow for the earned income deduction as specified in federal regulations.

**ENTERED this 4<sup>th</sup> day of December 2025.**

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**Pamela L. Hinzman**  
**State Hearing Officer**