



January 21, 2026

RE: [REDACTED] v. WV DOHS
ACTION NO.: 25-BOR-3472

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,

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**

██████████

Appellant,

v.

Action Number: 25-BOR-3472

**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 January 13, 2026, on an appeal filed December 16, 2025.

The matter before the Hearing Officer arises from the October 10, 2025 notices from the Respondent that the Appellant was overissued Supplemental Nutrition Assistance Program (SNAP) benefits and that client error claims were being established.

At the hearing, the Respondent appeared by Steven Compton, Assistant Attorney General. Appearing as a witness for the Respondent was Lisa Snodgrass, Investigator. The Appellant appeared pro se. The Appellant was represented by her father, ██████████, who also served as a witness. Appearing as witnesses for the Appellant were her grandfathers, ██████████

██████████ All witnesses were placed under oath, and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 PATH Supplemental Nutrition Assistance Program (SNAP) application for ██████████ dated October 19, 2022; SNAP 6 or 12 month contact form completed by ██████████ on July 15, 2024; PATH Health Care renewal application dated January 13, 2024; Requests for WV WORKS Cash Assistance by ██████████ dated February 27, 2024, and August 13, 2024
- D-2 Case Comments screen prints for comments dated October 20, 2022, through February 15, 2025

- D-3 inROADS application signatures of [REDACTED] on February 29, 2024, April 16, 2024, and August 19, 2024
- D-4 Shelter Attestation form signed by [REDACTED] on February 29, 2024
- D-5 Food Stamp Claim Determination Forms completed by Lisa Snodgrass, Food Stamp Claim Calculation Sheets, and Case Benefit Summary screenshots
- D-6 West Virginia Income Maintenance Manual (IMM) Chapter 4, Appendix A, Income Charts from October 2022, December 2023, March 2024, July 2024, October 2024, and December 2024, two charts without dates
- D-7 IMM section excerpts from Chapter 1; Chapter 10; Chapter 3; Chapter 4; Chapter 11
- D-8 Employee Wage Data screen print showing quarterly wages for [REDACTED]

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) The Appellant applied for Supplemental Nutrition Assistance Program (SNAP) benefits on October 19, 2022, for an assistance group (AG) of one, and received \$112 in benefits. Her SNAP case was subsequently closed. (Exhibit D-1, Exhibit D-2)
- 2) On October 19, 2022, the Appellant was 19 years of age. Her address was 1 [REDACTED] [REDACTED]. This is the same address where her parents, [REDACTED] and [REDACTED] live. (Exhibit D-1, Exhibit D-5)
- 3) On October 19, 2022, the Appellant electronically signed the SNAP application which acknowledged that, "I understand that my assistance group may be required to repay any benefits paid to or on behalf of it for which I was not eligible because of unintentional errors made by me or DoHS." Further, it states, "I certify that all statements on this form have been read by me or read to me and that I understand them."
- 4) The Appellant had a baby on January 20, 2023. (Exhibit D-1)
- 5) The Appellant applied for health care renewal on January 13, 2024. She reported that the people in her home were herself and her son [REDACTED]. (Exhibit D-1)
- 6) The Appellant applied for TANF/WV WORKS Cash Assistance on February 27, 2024, and August 13, 2024. (Exhibit D-1)
- 7) The Appellant applied again for SNAP benefits on or about February 29, 2024, for an AG of two. Her SNAP application was approved. (Exhibit D-2)

- 8) The Appellant completed a SNAP redetermination review form which was received by the Respondent on July 15, 2024, and reported that the people in her household were herself and her son. (Exhibit D-1)
- 9) During May of 2024, one of the Respondent's workers performed a home visit for the TANF/WV WORKS program at the Appellant's residence. (Exhibit D-2)
- 10) The Appellant received \$6,895 in SNAP benefits between October 2022 and March 2025. (Exhibit D-5)
- 11) The Appellant's mother, [REDACTED] earned income between 2020 and 2025 which varied, but was at least \$17,000 per quarter. This equals a gross income which was \$5,666 per month at the lowest. (Exhibit D-8)
- 12) The Appellant turned 22 years old on May 21, 2025. Her address is still [REDACTED]
- 13) On October 10, 2025, the Appellant was notified of three claims for repayment due to client error. A claim for the period 10/19/22 to 10/31/22 in the amount of \$112; A claim for the period 02/01/24 to 01/31/25 in the amount of \$5,711; and a claim for the period 02/01/25 to 03/31/25 in the amount of \$1,072.

APPLICABLE POLICY

Code of Federal Regulations Title 7 § 273.1 defines the Household concept for Supplemental Nutrition Assistance Program and provides, in pertinent part (emphasis added):

(a) *General household definition.* A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section:

- (1) An individual living alone;
- (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or
- (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

(b) *Special household requirements* —

(1) *Required household combinations.* The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified.

- (i) Spouses;
- (ii) **A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s); and**

(iii) A child (other than a foster child) under 18 years of age who lives with and is under the parental control of a household member other than his or her parent. A child must be considered to be under parental control for purposes of this provision if he or she is financially or otherwise dependent on a member of the household, unless State law defines such a person as an adult.

(5) Roomers. Individuals to whom a household furnishes lodging for compensation, but not meals, may participate as separate households. Persons described in paragraph (b)(1) of this section must not be considered roomers.

(c) *Unregulated situations.* For situations that are not clearly addressed by the provisions of paragraphs (a) and (b) of this section, the State agency may apply its own policy for determining when an individual is a separate household or a member of another household if the policy is applied fairly, equitably and consistently throughout the State.

Code of Federal Regulations 7 CFR § 273.18 describes Claims against households and provides, in pertinent part (emphasis added):

(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.

An . . .	is . . .
(2) Inadvertent household error (IHE) claim	any claim for an overpayment resulting from a misunderstanding or unintended error on the part of the household.
(3) Agency error (AE) 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.* As a State agency, you:

must calculate a claim . . .	and . . .	and . . .
back to at least twelve months prior to when you become aware of the overpayment	for an IPV claim, the claim must be calculated back to the month the act of IPV first occurred	for all claims, don't include any amounts that occurred more than six years before you became aware of the overpayment.
(ii) The actual steps for calculating a claim are		
you . . .	unless . . .	then . . .
(A) determine the correct amount of benefits for each month that a 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 in a timely manner when this act is the basis for the claim	the claim is an AE claim	apply the earned income deduction.
(C) subtract the correct amount of benefits from the benefits actually received. The answer is the amount of the overpayment	this answer is zero or negative	dispose of the claim referral.
(D) reduce the overpayment amount by any EBT benefits expunged from the household's EBT benefit account in accordance with your own procedures. The difference is the amount of the claim	you are not aware of any expunged benefits	the amount of the overpayment calculated in paragraph (c)(1)(ii)(C) of this section is the amount of the claim.

West Virginia Income Maintenance Manual Section 1.2.3 describes Worker Responsibilities in the Application/Redetermination process and provides, in pertinent part:

1.2.3.A General

The Worker has the following general responsibilities in the application process. Program-specific responsibilities are found in the program sections of this chapter. The Worker must:

- Accept an application from any person or his representative who wishes to apply.
- Determine if the applicant requires special assistance.
- Ensure the client is given the opportunity to apply for all of the Department's programs on the date that he expresses an interest.
- Inform the client of his responsibilities, the process involved in establishing his eligibility, including the Department's processing time limits, and how the beginning date of eligibility is determined.
- Adhere to the Department's policies and procedures to establish eligibility, including those regarding timely action and/or decision.
- Prior to eligibility system entry for disposition of another application, the Worker must determine if there is an existing case number for the client.
 - o When an existing case number is found in another county, the Worker must request immediate eligibility system transfer to the client's new county of residence. The case record must be mailed to the new county of residence within 10 working days. The request may be accomplished by memorandum, electronic mail, or by telephone.
 - o The Worker must determine if there is an existing EBT account. He must also inform the client of the availability of any balance remaining in the account.
- Obtain all pertinent, necessary information through verification, when appropriate.
- During the SNAP interview, explain to the client they are required to self-attest whether they or any other member of their household have been convicted of certain crimes as an adult and if they are complying with the terms of their conviction. See 3.2.1.B.3. The worker should emphasize this attestation is legally binding. If the applicant's attestation is questionable, the Agency must verify each element of the questionable attestation.
- Assist the client in obtaining information required to establish his eligibility.
 - o Determine whether or not the client is able to cooperate.
 - o If he is able, but has not complied, instruct the client that his failure to fulfill his obligation may result in one or more of the following actions:
 - Denial of the application
 - Closure of the active AG
 - Removal of the individual from the AG
 - Repayment of benefits
 - Reduction in benefits
 - o The action taken by the Worker depends on the specific requirement. These actions are found with the specific policy or in this chapter under the program-specific information.
- Maintain the confidentiality of all information received from or about the client.

- Per client request, make his case information available, including all electronic submissions and paper documentation, during normal business hours. See DOHS Common Chapters Section 230 for additional information.
- Ensure that copies of all pertinent information are placed in the client's case record or given to appropriate staff to file.
- Ensure that proper case recordings are made to document the Worker's actions and the reason for such actions.
- Ensure that information about available community resources addressing sexual harassment and domestic violence, sexual assault, and stalking is available to all persons who request it, or who, in the Worker's judgment, may benefit from it. In addition, the Worker must make an immediate referral to the appropriate domestic violence or community agency when the client requests such assistance. When possible, the referral must be made the same day. If the agency cannot make arrangements to see the client the same day, a referral to the Division of Children and Adult Services must be made the same day, if possible. See Section 1.2.12.D, Special Situations for additional information about handling domestic violence situations.
- Inform the client that he is authorized to receive information and referral services about Temporary Assistance to Needy Families (TANF; i.e. WV WORKS) and other programs offered by the DOHS.
- Provide a voter registration application and declination form at any point a client engages in contact with the Department in conjunction with benefits. If the contact is made via any method other than a face-to-face, the application and declination form must be mailed to the client. See Section 1.2.1.D to assure compliance with this procedure.
- Prior to imposing any penalties or assigning any countable months for an ABAWD, screen all adult SNAP recipients at application and redetermination for:
 - o All exemptions from the ABAWD time limit; and
 - o Whether the individual should be referred to participation in SNAP E&T.
 The worker must provide an oral explanation of all SNAP work requirements to the client; this includes explaining ABAWD and Work Registration requirements and how to meet each work requirement. Any adult member of the SNAP AG can attest to ABAWD exemption information for another adult AG member.

West Virginia Income Maintenance Manual Section 1.2.3.B describes Home Visits, in pertinent part:

1.2.3.B Home Visits

Home visits may be conducted for any program, during any phase of the eligibility determination process, when the Worker or Supervisor believes a home visit is advisable. The client may also request a home visit due to illness or inability to travel, when he has no person to act on his behalf.

NOTE: For SNAP, home visits must be scheduled. For all other Programs, the visit may be scheduled or unscheduled, at the Worker or Supervisor's discretion. If a home visit is

made for another Program, and information is obtained which affects SNAP eligibility or benefit level, it is acted upon whether or not the home visit was scheduled. The client may refuse entry to the Department's representative.

NOTE: Home visits for SNAP AGs may only be made on a case-by-case basis and not because an AG fits an error prone or other profile.

West Virginia Income Maintenance Manual 1.2.4 describes Client Responsibility, and provides, in pertinent part:

The client's responsibility is to provide complete and accurate information about his circumstances so that the Worker is able to make a correct determination about his eligibility.

West Virginia Income Maintenance Manual Chapter 3 describes SNAP Eligibility Determination Groups, in pertinent part:

3.1 Introduction

This Chapter contains the policy for Supplemental Nutrition Assistance Program (SNAP) benefits, WV WORKS, and all Medicaid coverage groups. It is used to determine:

- The Assistance Group (AG) - Who receives the benefit;
- The Income Group (IG) - Whose income and assets are counted; and
- The Needs Group (NG) - Whose needs are considered

The total income/assets of all persons in the IG is compared to the income/asset eligibility limits for the number of persons in the NG. This comparison determines if those in the AG are eligible to receive the benefit, and in some instances, the level of benefit for which they are eligible.

3.2.1.A

The SNAP AG must include all eligible individuals who both live together and purchase food and prepare meals together, with the exception of residents of shelters for battered persons.

An individual cannot be a member of more than one SNAP AG in any month.

When an AG member is absent or is expected to be absent from the home for a full calendar month, he is no longer eligible to be included in the AG and must be removed after advance notice.

The following sub-sections describe how different types of individuals are considered in the composition of a SNAP AG.

3.2.1.A.4: Children under Age 22, Living with a Parent: Natural or adopted children and stepchildren who are under 22 years of age and who live with a parent must be in the same AG as that parent.

3.2.2 The Income Group (IG)

The income group includes all AG members and all individuals who live with the AG and would otherwise be included in the AG if not ineligible, disqualified, or excluded by law. This includes ineligible non-citizens, those excluded by law, disqualified due to an IPV or for trafficking SNAP for a controlled substance, and those who fail to meet the enumeration requirement. See Section 4.4 to determine how to count the income and deductions.

Ineligible students and individuals who are ineligible due to receipt in another state are not included in the IG.

West Virginia Income Maintenance Manual Section 4.4.1.D describes How to Use Past and Future Income, in pertinent part:

After the Worker determines all of the income sources that are to be considered for use, the Worker determines the amount of monthly income, based on the frequency of receipt and whether the amount is stable or fluctuates. This is described in the following table.

Conversion of income to a monthly amount is accomplished by multiplying an actual or average amount as follows:

- Weekly amount x 4.3
- Biweekly amount (every two weeks) x 2.15
- Semi-monthly amount (twice/month) x 2

Proration of income to determine a monthly amount is accomplished by dividing the amount received by the number of time periods it is intended to cover as follows:

- Bimonthly amount (every two months) \div 2
- Quarterly amount (every three months) \div 3
- Semi-annual amount (twice/year) \div 6
- Annual amount \div 12
- Six-week amount \div 6 converted to monthly amount by using x 4.3
- Eight-week amount \div 8 converted to monthly amount by using x 4.3

West Virginia Income Maintenance Manual Chapter 11.2 describes SNAP Claims and Repayment Procedures, and provides, in pertinent 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.

West Virginia Income Maintenance Manual Chapter 11.2.1 and 11.2.2 describe the Referral Process and Procedures for establishing SNAP Claims and Repayments, in pertinent part:

11.2.1 Referral Process

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.

11.2.2 Procedures For Establishing Snap Claims

The following are procedures the IFM investigative staff must perform to establish a claim against the AG:

- Accept all referrals regarding potential SNAP overissuances
- Review the case record and data system information
- Obtain third-party verifications to support allegations
- Identify the month(s) for which the claim is to be established
- Classify the claim as UPV or potential IPV
- To determine the amount of overissuance use the calculation and instructions found in IMM 4.4.3.C
- Establish an IPV by obtaining the client's waiver of, or presenting evidence at, an Administrative Disqualification Hearing (ADH) or IPV, or through court action
- Notify the AG of the overissuance
- Initiate and monitor collection activity on the claim
- Complete the appropriate screen in the eligibility system, which issues notification of disqualification
- Notify the Worker to initiate the disqualification

West Virginia Income Maintenance Manual Chapter 11.2.3.A describes Unintentional Program Violations (UPVs), in pertinent part:

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. The RI determines the month in which the overissuance initially occurred as follows.

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.

NOTE: Depending on whether or not an AG has earned income or at least one WV WORKS participant, reporting requirements may be different. See Section 10.4.2 for the appropriate AG reporting requirements.

West Virginia Income Maintenance Manual Chapter 11.2.5 describes Liable Debtors and provides, in pertinent part:

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.

DISCUSSION

The Appellant has appealed the decision of the Respondent to establish Supplemental Nutrition Assistance Program (SNAP) repayment claims. The Respondent argued that the Appellant was overissued SNAP benefits due to client error and must repay them. The Respondent established three claims against the Appellant's household. One claim was for October 2022, in the amount of \$112. The second claim is for the period of February 2024 to January 2025, in the amount of \$5,711. The third claim is for the period of February 2025 to March 2025, in the amount of \$1,072.

The Respondent bears the burden of proof and had to demonstrate by a preponderance of the evidence that a SNAP repayment claim must be established because the Appellant received more SNAP benefits than the assistance group (AG) was entitled to receive, for each claim. The evidence had to further demonstrate that the overissuance was due to client error and that the Respondent's repayment calculations were accurate.

Federal regulations govern the state administration of the SNAP program. A State agency must establish and collect any claim when benefits are overpaid.

The policy provides that when an AG has been issued more SNAP benefits than it was entitled to receive, corrective action must be taken to recoup the difference between the AG's SNAP entitlement and the SNAP allotment the AG received. Unintentional Program Violations (UPVs) include agency errors and client errors that result in SNAP benefit over issuance.

According to the policy, an agency error UPV is only established retroactively for the one year preceding the date of discovery, whereas a client error UPV is established retroactively for the six years preceding the date of discovery.

The Appellant's SNAP eligibility and the composition of her assistance group (AG)

Federal regulations require that a person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s), must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household. Federal regulations further provide that a person under 22 years of age who is living with his or her natural parents cannot be considered a "Roomer" and participate as separate household, even if they pay rent. The policy of the West Virginia Department of Human Services (DoHS) states that natural children who are under 22 years of age and who live with a parent must be in the same assistance group (AG) as that parent.

The Appellant and her father, [REDACTED] testified that the Appellant currently lives with her parents. When the Appellant applied for SNAP on October 19, 2022, she was a person under 22 years of age who was living with her natural parents.

Policy states that the Income Group is used to determine the people whose income and assets are counted when determining eligibility for SNAP. It also states that the income group includes all AG members and all individuals who live with the AG. Because the Appellant must be in the same AG as her parents, the income of her parents should have been counted in determining her

eligibility for SNAP. Furthermore, because the income of the Appellant's parents was not counted, her SNAP benefits were not calculated correctly.

To establish the amount of an overpayment of SNAP benefits, the actual issuance must be subtracted from the correct issuance amount. Because the Appellant's mother should have been included in the SNAP AG, her income made the AG ineligible for SNAP benefits during the claim periods.

The investigation

The Respondent's witness, Lisa Snodgrass (hereinafter Ms. Snodgrass) is an Investigator/Analyst. She was assigned to investigate allegations that the Appellant was living with her parents. Upon completing her investigation, Ms. Snodgrass determined that [REDACTED] had earned income which was not included in the SNAP calculations because the Appellant had not reported her parents in her household. Additionally, Ms. Snodgrass discovered that the Appellant received WV WORKS cash assistance which should have been included as income for SNAP calculations.

Ms. Snodgrass testified that she received information from fraud investigators that the Appellant's AG might have been overissued SNAP benefits. She searched in the Employee Wage Database using the Appellant's and her parents' social security numbers and found quarterly wage information for [REDACTED]. The Appellant questioned how the Respondent acquired the social security numbers of the Appellant's parents. The Respondent's case comments indicate that the Respondent's worker asked the Appellant for her sister and parents social security numbers on February 4, 2025, and that the Appellant emailed them on February 10, 2025.

[REDACTED] raised the issue that a fraud investigation took place, but no evidence was presented as to the investigation. He also questioned why the investigation was undertaken in the first place.

Federal regulations state that an agency must calculate a claim for repayment when it becomes aware of the overpayment. Policy states that the IFM must accept all referrals regarding potential SNAP overissuances. The Appellant did not present any evidence showing that the investigation was completed improperly or that the source of the information violated any law, rule, or policy. The Appellant did not present any evidence showing that the purpose of the investigation was anything other than determining whether there had been an overissuance of benefits. Because the Respondent became aware of an overpayment, it was required to investigate and seek repayment.

SNAP eligibility is based on several factors including income and the number of people in the AG. The income limit for SNAP changes over time. In October 2022, for an AG of three, the gross income limit was \$2,495. Between February 2024 and July 2024, for an AG of four, the gross income limit was \$3,250. From October 2024 to January 2025, for an AG of four, the gross income limit was \$3,380. From February 2025 to March 2025, for an AG of four, the gross income limit was \$3,380.

The evidence showed that the income of [REDACTED] was not less \$5,666 per month in any month of the period under consideration. This exceeded the gross income limit for SNAP eligibility. The AG was over the SNAP income limits during the claim periods and was ineligible to receive SNAP

benefits. The Respondent showed by a preponderance of the evidence that the Appellant was overissued SNAP benefits for the claim periods.

The error

The Respondent argued that the error which resulted in the overissuance was client error, because it was an inadvertent mistake made by the client. The Respondent argued that the Appellant unintentionally failed to report her mother's income when she reported that her household was made up of herself and her son on her SNAP applications and redetermination forms. The Respondent did not contend that the Appellant intentionally misrepresented her household composition or the income of her AG. Additionally, Ms. Snodgrass testified that, although she became aware of the overissuance from a fraud investigation, the Appellant had not been accused of fraud.

Policy requires that clients provide complete and accurate information about their circumstances so that the Workers are able to make correct determinations about eligibility. Policy also states that, regarding all programs, it is the Worker's responsibility to inform the client of his or her responsibilities and the process involved in establishing eligibility.

The Appellant argued that the error which resulted in the overissuance was agency error. The Appellant testified that she did not hide or misrepresent her living situation. She credibly testified that one of Respondent's workers performed a home visit in May 2024, and that he saw that she lived with her parents in their home. Further, she testified that she did provide complete information about her circumstances because the case worker assigned to her SNAP case knew that she lived with her parents.

██████████ contended that it was the Respondent's error that resulted in the overissuance. He argued that the Respondent should have known the Appellant lived with her parents because a worker observed the living situation during two home visits.

The evidence showed that when the Appellant applied for SNAP on October 19, 2022, when she applied for health care renewal on January 13, 2024, when she submitted a SNAP review form on July 15, 2024, and when she applied for WV WORKS on August 13, 2024, she listed only herself, or herself and her son, as being in the household. Based on the information provided by the Appellant about her household in these forms, her AG consisted of herself and her son.

Ms. Snodgrass testified that the worker who visited the Appellant's home was a WV WORKS worker. Ms. Snodgrass further testified that the WV WORKS and SNAP programs are different, the eligibility requirements are different, and that the programs are handled by different workers.

Policy describes that when a home visit is made for another Program, and information is obtained which affects SNAP eligibility or benefit level, it is acted upon whether or not the home visit was scheduled.

The Appellant and ██████████ credibly testified that the worker who visited their home observed that the Appellant lived with her parents and that he knew that the Appellant lived with her parents.

Thus, the Respondent obtained information about the Appellant's living situation that affected her SNAP eligibility or benefit level in May 2024.

According to policy, when information was obtained from the home visit which affected the Appellant's SNAP eligibility or benefit level, it should have been acted upon. The evidence showed that the information was not acted upon, as the Appellant continued to receive SNAP benefits she was not entitled to. Thus, for all SNAP benefits issued June 2024 and after, the overissuance was due to agency error.

Prior to the home visit, the Respondent used information reported by the Appellant on her applications and redetermination forms to determine who was in her AG. The error of not reporting that the household included the Appellant's parents was client error.

Thus, all overpayments from October 2022 to May 2024, were due to client error, and all overpayments from June 2024 to March 2025, were due to agency error.

When did the Respondent become aware of the overissuance/overpayment?

For an agency error, the agency must establish a repayment claim back to at least twelve months prior to when it became aware of the overpayment. For a client error, the agency must establish a repayment claim back to six years prior to when it became aware of the overpayment.

Ms. Snodgrass argued that the Respondent became aware of the overpayment in early 2025. The Respondent's case comments on February 20, 2024, April 19, 2024, and August 19, 2024, have notes which state "HH/AG 2." This indicates that Respondent's workers believed that the Appellant's household/AG was for two people. A case comment dated January 30, 2025, states "Client pays her mom \$400 a month for rent and utilities." Ms. Snodgrass testified that, for the SNAP benefits, this was the date the Respondent became aware of the possible overpayment.

The Appellant argued that the Respondent became aware of the possible overpayment, or should have become aware of it, in May of 2024, when the WV WORKS worker visited the home as discussed above. Although the Appellant proved that there was an agency error in May of 2024, when the Respondent failed to use information obtained during the home visit to update the Appellant's eligibility for the SNAP benefits, this is not the same as the Respondent becoming aware of an overpayment. The Appellant did not present any evidence to show affirmatively that the Respondent was aware of an overpayment before the Respondent's case comments on January 30, 2025.

Because the Respondent became aware of a possible overpayment of SNAP benefits for agency error on January 30, 2025, it must establish claims for agency error going back twelve months from that date, which is back to January 2024. The agency error was made in May 2024. The agency continued to err in overpaying the Appellant until March 2025. All months of overissuance due to agency error from June 2024 to March 2025, are within the twelve months and were correctly claimed for repayment. These claim amounts are: \$4,072, from June 2024 to January 2025; and \$1,072, from February 2025 to March 2025.

All months of overissuance before May 2024, were due to client error. Because the Respondent became aware of a possible overpayment for client error on January 30, 2025, it must establish claims going back six years from January 2025, which would be from January 2019. These claim amounts are: \$112 from October 2022; and \$1,639, from February 2024 to May 2024.

Other issues raised during the hearing

The Appellant's witnesses [REDACTED] stated that the Respondent, after learning that the Appellant lived with her parents in May 2024, should have caught the error at that time and should not have continued to issue SNAP benefits to the Appellant which she was not entitled to receive. They argued that, had the Respondent taken action regarding the overissuance at an earlier date, the amount of the repayment claim would be less because fewer benefits would have been issued in error.

The preponderance of the evidence showed that the Respondent became aware of a possible overpayment on January 30, 2025, but SNAP benefits were issued to the Appellant in February and March of 2025. Ms. Snodgrass testified that the Respondent was investigating the possible overpayment during this time. The continued issuance of SNAP benefits to the Appellant from June 2024 to March 2025, as stated above, has been found to be agency error.

It is unfortunate that the agency erred, and the Appellant continued to receive SNAP benefits that her AG was not entitled to for approximately 15 months and the total amount overpaid is \$6,895. The Board of Review cannot pass judgments about the policy itself, and can only determine if the agency acted correctly and followed the policy.

Policy establishes that repayment must be made regardless of who caused the error. While the error from October 2022 to May 2024, was a result of the client's failure to report, the error from June 2024 to March 2025, resulted from agency error. The Respondent's decision to seek a recoupment of overissued benefits from the time periods of October 2022, and February 2024 to May 2024, for client error is affirmed. The total amount overissued during those time periods is \$1,751. However, overpayments made from June 2024 onward were the result of agency error and were not designated correctly by the Respondent. The total amount overissued from June 2024 onward due to agency error is \$5,144.

CONCLUSIONS OF LAW

- 1) Federal regulations and Department of Human Services policy provide that a person under 22 years of age who is living with his or her natural or adoptive parent(s) must be considered as part of the same AG as the parents and must be considered as purchasing and preparing meals together.
- 2) The Appellant's mother's income exceeded the income limits to qualify for SNAP during all time periods in question.

- 3) The Appellant's SNAP applications on October 19, 2022, and February 29, 2024, and her SNAP redetermination form dated July 15, 2024, did not list the Appellant's parents as part of her AG due to client error.
- 4) A home visit was made for another program in May of 2024, and information was obtained which affected the Appellant's SNAP eligibility or benefit level, but the information was not acted upon, which was agency error.
- 5) The Appellant's failure to correctly report the AG on her applications and redetermination forms resulted in an overissuance of SNAP benefits which the household was not entitled to receive, and both agency errors and client errors result in the recoupment of SNAP benefits.
- 6) The Respondent's claims for overpayment from October 2022 to May 2024, due to client error, were made correctly.
- 7) The overpayments made from June 2024 onward were due to agency error.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the actions of the Respondent to require repayment for all the claim periods. It is also hereby **ORDERED** that the repayment amount of \$4,072, from June 2024 to January 2025, and repayment amount of \$1,072, from February 2025 to March 2025, are attributed to agency error. The repayment amount of \$112 from October 2022, and the repayment amount of \$1,639, from February 2024 to May 2024, are attributed to client error.

ENTERED this 21st day of January 2026.

Amy Hayes
State Hearing Officer
Member, Board of Review