May 26, 2026

[redacted]

RE: [redacted] v. DOHS/BFA
ACTION NO.: 26-BOR-1858

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,

Lori Woodward, J.D.
Certified State Hearing Officer
Member, State Board of Review

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

cc: Carl Hostler, Esq., Assistant Attorney General

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

**[redacted],**

**Appellant,**

**v.** **Action Number: 26-BOR-1858**

**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 [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 May 19, 2026.

The matter before the Hearing Officer arises from the April 15, 2026 decision by the Respondent to establish a Supplemental Nutrition Assistance Program (SNAP) benefit agency error (AE) repayment claim and a client error (CE) repayment claim.

At the hearing, the Respondent appeared by and through counsel, Carl Hostler, Assistant Attorney General. Appearing as a witness for the Respondent was Elizabeth Mullins, Investigations and Fraud Management (IFM) Repayment Investigator. The Appellant was self-represented. All witnesses were sworn, and the following documents were admitted into evidence.

**Department's Exhibits**:

- D-1 West Virginia Department of Health Fraud Referral Form, IFM-1, signed and dated February 25, 2026
- D-2 PATH IE Production, Data Exchange – SSA Benefit Details screen print
- D-3 West Virginia Income Maintenance Manual (WV IMM), Chapter 10, §10.4.2.B.1
- D-4 WV IMM, Chapter 6, §6.5.2
- D-5 SNAP Claim Determination, AE, Issuance Months March 1 – July 31, 2025; SNAP Claim Calculation Sheet; Food Stamp Allotment Determination (EFAD); Benefit Recovery Referral (EVRF)
- D-6 West Virginia Department of Human Services, PATH review form, electronically signed and dated July 1, 2025

D-7 SNAP Claim Determination, CE, Issuance Months August 2025 – March 2026; SNAP Claim Calculation Sheets; Food Stamp Allotment Determination (EFAD)
D-8 PATH IE Production Case Comment screen prints
D-9 PATH IE Production Case Benefit Summary screen prints
D-10 WV IMM, Chapter 11, §11.2
D-11 WV IMM, Chapter 11, §11.2.3.A.1
D-12 WV IMM, Chapter 11, §11.2.3.A.2

**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 is a recipient of SNAP benefits.

2) On February 25, 2026, a fraud referral was made to the Office of Inspector General, Investigations and Fraud Management (IFM) Unit, indicating there was unreported income in the Appellant's SNAP case. (Exhibit D-1)

3) The referral was assigned to IFM Repayment Investigator, Elizabeth Mullins.

4) Upon investigation, Ms. Mullins determined that the Respondent failed to act on an alert from the Social Security Administration state data exchange in December 2024 showing that the Appellant began receiving Retirement, Survivors, Disability Insurance (RSDI) income in the amount of $1,428 as of May 2024. (Exhibit D-2)

5) Alerts from the state data exchange from SSA are verified upon receipt and should have been acted upon within 45 days by the Respondent's worker. (Exhibits D-3 and D-4)

6) Ms. Mullins determined that because the Respondent's worker failed to promptly act on the alert, the over issuance of SNAP benefits was an agency error (AE) which should have affected the Appellant's benefits beginning March 1, 2025. (Exhibit D-5)

7) Ms. Mullins also determined that because the Appellant failed to report the change in her income during a SNAP review she submitted on July 1, 2025, the over issuance of SNAP benefits was due to client error (CE) effective August 1, 2025. (Exhibits D-6 and D-7)

8) On April 15, 2026, the Respondent issued notification to the Appellant that an over issuance of SNAP benefits from March 1 through July 31, 2025, had been established as an AE in the amount of $1,345, and an CE claim had been established from August 1 through March 31, 2026, in the amount of $2,182.

## APPLICABLE POLICY

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

(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 steps 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 (WV IMM), Chapter 11:

**§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 depends 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 over issuance
- An unintentional error made by the client resulted in the over issuance
- 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 over issuance is the month the change would have been effective had the agency acted promptly.

*Computation Error* - The first month of over issuance 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 over issuance 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 over issuance. 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

Policy and federal regulations mandate 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. The claim is the difference between the SNAP entitlement of the assistance group and the SNAP allotment the assistance group was entitled to receive. SNAP benefits for which the assistance group was not entitled to receive must be repaid, regardless of the type of error.

On February 25, 2026, the IFM unit received a fraud referral form regarding unreported income in the Appellant's case. The referral was assigned to IFM Repayment Investigator, Elizabeth Mullins. Ms. Mullins determined that the Respondent's worker failed to act on a state data exchange alert from the SSA received in December 2024. State data exchange alerts from the SSA are verified upon receipt and should have been acted upon within 45 days. Ms. Mullins determined that because the Respondent's worker did not act in a timely manner, the over issuance of SNAP benefits to the Appellant began on March 1, 2025. An AE repayment claim for the Appellant was established from March 1 through July 31, 2025, for an over issuance of SNAP benefits due to unreported income, of $1,345. Ms. Mullins also established a CE repayment claim from August 1, 2025 through March 31, 2026, because the Appellant had failed to report the addition in her income on her July 1, 2025 SNAP review, resulting in an over issuance totaling $2,182. The Appellant received SNAP benefits based on zero income from March 1, 2025 through March 31, 2026.

The Appellant did not contest the amount of the repayment claims. Instead, the Appellant asserted that she provided the local office with a copy of her Social Security award letter. The evidence and testimony show that there was no income noted on her July 1, 2025 SNAP review, showing both zero for earned and unearned income. It was not until February 12, 2026, when the

Respondent's worker was processing an online LIEAP application that the unearned income was discovered and added to the Appellant SNAP case.

The over issuances caused by AE and CE do not reflect any purposeful wrongdoing by the Appellant. Federal regulations mandate that SNAP benefits that are issued in error must be recouped, regardless of the type of error. Because the Appellant received SNAP benefits from March 1, 2025 through March 31, 2026, for which she was not entitled, the Respondent acted in accordance with federal regulations in the establishment of the SNAP repayment claims. The Respondent's decision to establish the repayment claims as discussed is affirmed.

## 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, or an intentional program violation.

2) The Respondent failed to act on a December 2024 state date exchange alert from the SSA, which is, by policy, verified upon receipt, which showed that the Appellant began receiving unearned income in the amount of $1,428 a month.

3) The Appellant received SNAP benefits from March 1 through July 31, 2025, for which she was not entitled due to agency error.

4) Because the Appellant failed to report the unearned income on her July 1, 2025 SNAP review form, the Appellant was over issued SNAP benefits from August 1, 2025 through March 31, 2026, due to client error.

5) Because the Appellant received SNAP benefits for which she was not entitled, the Respondent must establish a repayment claim.

## DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to establish an AE SNAP repayment claim from March 1 through July 31, 2025 and a CE SNAP repayment claim from August 1, 2025 through March 31, 2026.

**ENTERED this 26th day of May 2026.**

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Lori Woodward, Certified State Hearing Officer