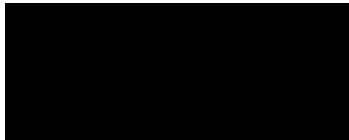




July 7, 2026



RE: [REDACTED] v. WV DOHS
ACTION NO.: 26-BOR-2084

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,

Amy Hayes
State Hearing Officer
Member, State Board of Review

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

cc: Carl Hostler, Assistant Attorney General
Elizabeth Mullins, Department Representative

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

[REDACTED]

Appellant,

v.

Action Number: 26-BOR-2084

**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 June 30, 2026, on an appeal filed on June 4, 2026.

The matter before the Hearing Officer arises from the May 13, 2026 notice from the Respondent that the Appellant was overissued Supplemental Nutrition Assistance Program (SNAP) benefits and that an agency error claim was established.

At the hearing, the Respondent appeared by Carl Hostler, Assistant Attorney General. Appearing as a witness for the Respondent was Elizabeth Mullins, Investigator. The Appellant was self-represented. All witnesses were placed under oath, and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Investigations and Fraud Management referral dated April 15, 2026
- D-2 Screen print of Data Exchange Summary and SSA Benefit Details with Action Date April 15, 2026
- D-3 West Virginia Income Maintenance Manual (IMM) Section 10.4.2.B.1
- D-4 IMM Section 6.5.2
- D-5 SNAP Claim Determination form entered May 11, 2026
- D-6 Screen print of Case Benefit Summary showing monthly SNAP Issuance
- D-7 Screen print of case comments for comments dated February 19, 2026, to March 9, 2026, and March 17, 2026, to June 8, 2026
- D-8 Social Security Administration Benefit Verification Letter dated January 17, 2026

D-9 IMM Section 11.2
D-10 IMM Section 11.2.3.A.1

Appellant's Exhibits:

A-1 Social Security Administration Benefit Verification Letter

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. (Exhibit D-6)
- 2) The Appellant became disabled under the Social Security Administration's rules on April 8, 2024. (Exhibit A-1)
- 3) On January 20, 2026, the Beneficiary Earnings and Data Exchange system from the Social Security Administration reported a match that the Appellant would receive Retirement, Survivors, and Disability Insurance (RSDI) income. (Exhibit D-2)
- 4) On March 9, 2026, the Appellant reported to the Respondent that she would begin receiving disability income. (Exhibit D-7)
- 5) The Respondent did not update the eligibility system to reflect the Appellant's increase in income until April 15, 2026. (Exhibit D-2)
- 6) If the Appellant's income information had been updated within 45 days from the data exchange match, the Appellant's SNAP benefit allotment would have been \$154 for April 2026. (Exhibit D-6)
- 7) The Appellant received a SNAP benefit allotment of \$298 for April 2026. (Exhibit D-6)
- 8) The Appellant was overpaid \$144 in SNAP benefits for April 2026. (Exhibit D-5)
- 9) On May 13, 2026, the Respondent notified the Appellant that there had been an agency error, that the Appellant was issued \$144 more in SNAP benefits than she was entitled to receive, and that the Appellant must repay the overissuance. (Notice dated March 13, 2026, submitted to the Board of Review and part of the Administrative record)

APPLICABLE POLICY

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.
(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	for all claims, don't include any amounts that occurred more than six

	the month the act of IPV first occurred	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 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.

DISCUSSION

The Appellant has appealed the decision of the Respondent to establish a Supplemental Nutrition Assistance Program (SNAP) repayment claim. The Respondent argued that the Appellant was overissued SNAP benefits due to agency error and must repay the amount overissued. The claim is for April 2026, in the amount of \$144.

The Respondent bears the burden of proof and must demonstrate by a preponderance of the evidence that a SNAP repayment claim must be established because the Appellant received more SNAP benefits than she was entitled to receive. Federal regulations govern the administration of the SNAP program. Federal regulations require the State agency to establish and collect any claim for overpayment caused by an action or failure to take action by the State agency.

On March 9, 2026, the Appellant notified the Respondent that she would start to receive Social Security Retirement, Survivors, and Disability Insurance (RSDI) income in the amount of \$1,075 monthly. An increase in income should have resulted in a decrease in SNAP benefits, but in April 2026, the Appellant received the same monthly SNAP allotment of \$298 that she had been receiving. The RSDI income information was not entered into the Respondent's eligibility system until April 15, 2026. The Respondent's witness, Elizabeth Mullins, testified that the Respondent had also received a data exchange match from the Social Security Administration (SSA) on January 20, 2026, that the Appellant would begin receiving RSDI income, and that this information should have been acted on within 45 days. Ms. Mullins testified that, if the information had been acted on as required by policy, the overissuance would not have happened, and that this was an agency error.

On May 13, 2026, the Respondent notified the Appellant that she had been issued more SNAP benefits that she was eligible to receive due to an agency error and that she must repay the overissuance.

The Appellant does not refute that, due to her increase in income, she should have received \$154 in SNAP benefits in April 2026 instead of \$298, and was thus overpaid \$144 in SNAP benefits. The Appellant only contends that having to repay an overissuance due to agency error is difficult for a person on a fixed income. The Appellant criticizes the Respondent for committing the error by overissuing her SNAP benefits and then requiring her to pay back the overissuance.

The Board of Review cannot pass judgment on policy itself but can only determine if the agency acted correctly and followed the policy. The Respondent admits to making an error. The regulations and policy require that the Respondent collect any claim for an overpayment caused by an agency error. The Respondent correctly determined that \$144 in SNAP benefits had been overissued to the Appellant in April 2026, because her income had increased, and that a claim for the overissuance must be established and collected.

CONCLUSIONS OF LAW

- 1) The Appellant was overissued \$144 more in Supplemental Nutrition Assistance Program (SNAP) benefits than she was entitled to receive in April 2026 due to an agency error.
- 2) Federal regulations require that when a household receives more SNAP benefits than it is entitled to receive, the state agency must establish and collect any claim for an overpayment caused by an action or failure to take action by the State agency.
- 3) The Respondent correctly notified the Appellant that she must repay the \$144 overissuance.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the action of the Respondent to require repayment of \$144 of overissued SNAP benefits due to agency error.

ENTERED this 7th day of July 2026.

Amy Hayes
State Hearing Officer
Member, Board of Review