



July 14, 2026



RE: [REDACTED] v. WV DOHS
ACTION NO.: 26-BOR-2093

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-2093

**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 8, 2026.

The matter before the Hearing Officer arises from the notice from the Respondent, received by the Appellant on June 2, 2026, that the Appellant was required to repay the balance of a claim for overissued Supplemental Nutrition Assistance Program (SNAP) benefits.

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 Screen print of Benefit Recovery Referral for referral dated July 7, 2011
- D-2 Food Stamp Claim Determination forms for [REDACTED] entered into RAPIDS on September 26, 2011 and Food Stamp Claim Calculation Sheets
- D-3 Screen print of Establish Claim for claim established date September 26, 2011, against liable individuals [REDACTED] and [REDACTED]
- D-4 Screen print of Overpayment Sheet from October 2007 to October 2009
- D-5 Screen print of SNAP Issuance History – Disbursement from September 2007 to August 2011
- D-6 Screen print of Claim Recoupment History for recoupments from October 24, 2011, to June 9, 2026

- D-7 Screen print of Referral/Claim Comments for comments dated June 8, 2012, June 12, 2012, July 26, 2021, March 7, 2022, and January 16, 2024
- D-8 Notification of Supplemental Nutrition Assistance Program (SNAP) Benefit Closure With Outstanding Claim Balance regarding case name [REDACTED] dated June 2, 2012, sent to [REDACTED]
- D-9 West Virginia Income Maintenance Manual (IMM) Section 11.2
- D-10 IMM Section 11.2.5
- D-11 IMM Section 11.2.7

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) On September 26, 2011, the Respondent initiated a \$9,519 claim for Supplemental Nutrition Assistance Program (SNAP) repayment against [REDACTED] and the Appellant, because the Appellant was found to be an adult member of the household with [REDACTED] and their children in common when a SNAP overpayment occurred. (Exhibit D-7, Exhibit D-8)
- 2) On June 12, 2012, the Appellant called the Respondent and a worker explained to him that he was a liable debtor on the repayment claim, and that if no one paid on the claim, the federal income taxes could be taken the next year to repay it. (Exhibit D-7)
- 3) The Respondent recouped \$4,955 of overissued benefits by reducing the amount of SNAP benefits [REDACTED] received as a separate household from October 2011 to June 2026. (Exhibit D-6)
- 4) The Respondent recouped \$183 of overissued benefits by reducing the amount of SNAP benefits the Appellant received as a separate household from March 2016 to March 2017. (Exhibit D-6)
- 5) The Appellant has not received any SNAP benefits since March 2017. (Exhibit D-6)
- 6) A total of \$5,138 of the \$9,519 claim was recouped through reduction of the SNAP benefits of [REDACTED] and the Appellant, resulting in an outstanding balance of \$4,381 as of June 2026. (Exhibit D-6)

- 7) After June 2026, [REDACTED] SNAP benefits were closed and the Respondent was unable to recoup any more of the overpayment claim through reduction of her SNAP benefit allotment.
- 8) On June 2, 2026, the Appellant and [REDACTED] separately received letters notifying them that there was a benefit closure with a claim balance and that they must repay the difference between the original claim amount, and the amount recouped, which was \$4,381.
- 9) On June 8, 2026, the Appellant requested a fair hearing to appeal the Respondent's actions to seek repayment of the balance of the claim.

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.

(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.

(e) **Initiating collection action and managing claims** —

(1) **Applicability.** State agencies must begin collection action on all claims unless the conditions under paragraph (e)(2) of this section apply.

(3) **Notification of claim.**

(i) Each State agency must develop and mail or otherwise deliver to the household written notification to begin collection action on any claim.

(ii) The claim will be considered established for tracking purposes as of the date of the initial demand letter or written notification.

(iii) If the claim or the amount of the claim was not established at a fair hearing, the State agency must provide the household with a one-time notice of adverse action. The notice of adverse action may either be sent separately or as part of the demand letter.

(iv) The initial demand letter or notice of adverse action must include language stating:
(A) The amount of the claim.
(B) The intent to collect from all adults in the household when the overpayment occurred.
(C) The type (IPV, IHE, AE or similar language) and reason for the claim.
(D) The time period associated with the claim.
(E) How the claim was calculated.
(F) The phone number to call for more information about the claim.

(G) That, if the claim is not paid, it will be sent to other collection agencies, who will use various collection methods to collect the claim.
(H) The opportunity to inspect and copy records related to the claim.
(I) Unless the amount of the claim was established at a fair hearing, the opportunity for a fair hearing on the decision related to the claim. The household will have 90 days to request a fair hearing.
(J) That, if not paid, the claim will be referred to the Federal government for federal collection action.
(K) That the household can make a written agreement to repay the amount of the claim prior to it being referred for Federal collection action.
(L) That, if the claim becomes delinquent, the household may be subject to additional processing charges.
(M) That the State agency may reduce any part of the claim if the agency believes that the household is not able to repay the claim.
(N) A due date or time frame to either repay or make arrangements to repay the claim, unless the State agency is to impose allotment reduction.
(O) If allotment reduction is to be imposed, a due date or time frame to either repay or make arrangements to repay the claim in the event that the household stops receiving benefits.
(P) If allotment reduction is to be imposed, the percentage to be used and the effective date.

(v) The due date or time frame for repayment must be not later than 30 days after the date of the initial written notification or demand letter.

(vi) Subsequent demand letters or notices may be sent at the discretion of the State agency. The language to be used and content of these letters is left up to the State agency.

(4) *Repayment agreements.*

(i) Any repayment agreement for any claim must contain due dates or time frames for the periodic submission of payments.

(ii) The agreement must specify that the household will be subject to involuntary collection action(s) if payment is not received by the due date and the claim becomes delinquent.

(5) *Determining Delinquency.*

(i) Unless specified in paragraph (e)(5)(iv) of this section, a claim must be considered delinquent if:

(A) The claim has not been paid by the due date and a satisfactory payment arrangement has not been made; or

(B) A payment arrangement has been established and a scheduled payment has not been made by the due date.

(ii) The date of delinquency for a claim covered under paragraph (e)(5)(i)(A) of this section is the due date on the initial written notification/demand letter. The claim will remain delinquent until payment is received in full, a satisfactory payment agreement is negotiated, or allotment reduction is invoked.

- (iii) The date of delinquency for a claim covered under paragraph (e)(5)(i)(B) of this section is the due date of the missed installment payment unless the claim was delinquent prior to entering into a repayment agreement, in which case the due date will be the due date on the initial notification/demand letter. The claim will remain delinquent until payment is received in full, allotment reduction is invoked, or if the State agency determines to either resume or re-negotiate the repayment schedule.
- (iv) A claim will not be considered delinquent if another claim for the same household is currently being paid either through an installment agreement or allotment reduction and you, as a State agency, expect to begin collection on the claim once the prior claim(s) is settled.
- (v) A claim is not subject to the requirements for delinquent debts if the State agency is unable to determine delinquency status because collection is coordinated through the court system.

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 11.2.5 describes Collecting the Claim, in pertinent part (emphasis added):

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.

11.2.5.C.2 Treasury Offset Program (TOP)

All IPV and client UPV claims are subject to collection through the TOP. Claims that have a payment balance of at least \$25 are delinquent and are subject to referral for collection of the claim by offset of the client's federal income tax refund and any federal benefits/payments. Agency-caused UPV claims, established on or after November 1, 1996, are eligible for TOP collection under the condition described above.

Outstanding claims may be combined to reach the \$25 threshold when evaluating for TOP targeting.

West Virginia Income Maintenance Manual Chapter 11.2.6 describes Determining the Repayment Amount, in pertinent part:

11.2.6 Determining The Repayment Amount

The minimum amount of repayment is determined as follows.

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

Form ES-REPAY-1 offers the liable debtor the following options for repayment.

➤ 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. If the IFM Worker determines that the AG cannot afford the minimum payment, the payment amount is negotiated on a case-by-case basis.

Lump sum or installment payments may be made by money order, cashier's check, and certified check. Personal checks are accepted until one is returned for insufficient funds. Payments in cash, SNAP benefits, or Electronic Benefits Transfer (EBT) benefits are acceptable; checks and money orders are made payable to the West Virginia Department of Human Services and are mailed or brought to the local office.

11.2.6.A.3 Current Recipients

The current benefit entitlement, after the disqualified member(s) has been removed from the AG, is reduced by 20% of the entitlement or \$20, whichever is greater. The reduction is based on the entitlement amount prior to the removal of the disqualified member.

11.2.6.A.4 Former Recipients

Form ES-REPAY-1 offers the client the following options to repay when no liable debtor is certified for SNAP.

- One payment is made to pay the claim in its entirety.
- 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. If the IFM Worker determines that the AG cannot afford the minimum payment, the payment amount is negotiated on a case-by-case basis.

West Virginia Income Maintenance Manual Chapter 11.2.7 describes Right to a Fair Hearing, in pertinent part:

11.2.7 Right To A Fair Hearing

The client has 90 days from the date of the initial notification/demand payment letter in which to request a Fair Hearing. The Hearings Officer only rules on the type and amount of the claim.

West Virginia Income Maintenance Manual Chapter 11.2.8 describes Referral Management and Maintenance of the SNAP Claim, in pertinent part:

11.2.8.B Status of Claims

All claims remain in open status as long as the debt has been submitted to TOP and remain eligible for TOP targeting. When the claim is no longer eligible for TOP targeting, the claim is changed to terminated status.

11.2.8.C Notification of Delinquent Payments

A delinquent notice letter is sent to a client with an open status claim when 60 days elapses since the last payment.

DISCUSSION

By letter received on June 2, 2026, the Respondent notified the Appellant that there had been a Supplemental Nutrition Assistance Program (SNAP) benefit closure when a portion of the monthly benefit was being taken as payment on a previously established claim and that he must repay the outstanding claim balance. The Appellant appeals the decision of the Respondent to seek repayment of the outstanding claim balance.

The Respondent moved to dismiss the appeal for untimeliness. The initial repayment claim was established against the Appellant and [REDACTED] on September 26, 2011, because the Appellant was determined to be a liable debtor in a household that was overissued SNAP benefits between October 2007 to October 2009. The Appellant would have had 90 days from the date he was notified of that claim to request an appeal. However, the Respondent did not present any evidence to show that the Appellant was notified of his fair hearing rights. The Respondent presented a notice dated June 2, 2012, which notified the Appellant that a claim balance must be repaid, but that notice did not include any information about rights to a fair hearing.

In addition, neither the Appellant nor the Respondent presented the letter received by the Appellant on June 2, 2026, as evidence. The record does not show whether that letter included language regarding fair hearing rights. Because no evidence was presented to show that the Appellant was notified of his fair hearing rights regarding the repayment claim, the motion to dismiss was denied and an evidentiary hearing was held. The Respondent bears the burden of proof and must demonstrate by a preponderance of the evidence that the claim balance is due and that the current amount of the claim is correct.

Federal regulations allow the State agency to collect a claim by reducing SNAP benefits prior to issuance. The Respondent's policy describes that when repayment is made by a reduction in the monthly benefit, it is a recoupment. The policy further states that recoupment by benefit allotment reduction is mandatory for all claims when a liable debtor is certified for SNAP. The Respondent presented evidence which showed that the Appellant and [REDACTED] were liable debtors on a claim established on September 26, 2011, and that repayments had been recouped since that time.

The Respondent's witness, Elizabeth Mullins (hereinafter Ms. Mullins), testified that the claim repayment had stopped because [REDACTED] SNAP benefits were closed after June 2026. After SNAP benefits are closed, the Respondent can no longer recoup an overissuance through reduction of benefits. A claim becomes delinquent if a payment is not made by the due date. Policy requires that the Respondent seek repayment of a delinquent claim. Because the other liable debtor on the claim, [REDACTED] became a former recipient of SNAP after June 2026, the Respondent correctly notified the Appellant that the outstanding claim balance must be repaid in some way other than recoupment through reduction of SNAP benefits.

The Respondent had recouped some of the repayment claim through a reduction in the monthly SNAP benefit of [REDACTED] and the Appellant at various times between 2011 and 2026. The Respondent presented evidence which showed that \$4,955 had been recouped from [REDACTED] SNAP benefits between October 2011 and June 2026, and \$183 had been recouped from the Appellant's SNAP benefits between March 2016 and March 2017. This is a total recouped amount from both liable debtors of \$5,138. The original claim amount of \$9,519, minus the amount recouped, is \$4,381. The Respondent correctly calculated the amount of the claim as of June 2026.

The Appellant does not refute that he and [REDACTED] had received SNAP benefits at various times from 2011 to 2026 and that these benefits had been reduced to recoup the claim amount. He did not present any evidence to show that he had made any payments toward the claim amount except what had been recouped through reduction of his SNAP benefits in 2016 and 2017. The Appellant contends that he believed the claim repayment would be taken out of his federal tax return. Ms. Mullins testified that the Treasury Offset Program (TOP) method of repayment would be utilized if the claim was delinquent and a payment was not made for more than sixty days. The Respondent presented evidence which showed that, because benefit recoupment had been ongoing since 2011 and a sixty-day lapse in payments had not occurred, the TOP method of repayment had not been utilized.

The Appellant contends that he was only notified of the claim initially in 2012, and again fourteen years later in 2026, so he did not know the status of the claim. Further, the Appellant testified that he no longer lived with [REDACTED] and was not aware of what SNAP benefits she signed up for or received. He contends that the Respondent knew his address at all times since the initial claim was established. Policy gives no expiration date on a repayment claim and federal regulations require the Respondent to seek repayment on a claim until it is paid. The Respondent is required to initially notify a client of a claim for repayment, but is not required to notify the client again of amounts recouped from reduction of benefits over time.

The Appellant criticizes the Respondent for actions taken against him regarding child support. However, the State agency which administers and seeks repayment of overissued SNAP benefits

is not the same agency which enforces the child support program. The Appellant also criticizes the Respondent for seeking repayment from him for errors made by [REDACTED]. However, the preponderance of the evidence showed that the Respondent's determination that the Appellant was a liable debtor on a claim for repayment of an overissuance of SNAP benefits was correct, because he was an adult member of a household that received more SNAP benefits than it was entitled to receive.

CONCLUSIONS OF LAW

- 1) The Appellant is a liable debtor on a SNAP repayment claim, established on September 26, 2011, and federal regulations require the Respondent to seek repayment of overissued SNAP benefits from all liable debtors until the claim is repaid.
- 2) Payments can be made on repayment claims through reduction of SNAP benefits, and [REDACTED] was making payments on the claim until June 2026, when her SNAP benefits were closed.
- 3) Of the \$9,519 claim, \$5,138 had been repaid by the Appellant and [REDACTED] through reduction of their respective SNAP benefits between October 2011 and June 2026.
- 4) The Respondent correctly notified the Appellant that he and [REDACTED] must repay the balance of the claim which had not been recouped, which is \$4,381.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the action of the Respondent to require repayment of \$4,381 of overissued SNAP benefits.

ENTERED this 14th day of July 2026.

Amy Hayes
State Hearing Officer
Member, Board of Review