WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted],

Appellant,

v. **Action Number: 26-BOR-2514**

WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS AND FRAUD MANAGEMENT,

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for [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 September 8, 2026, on an appeal filed with the Board of Review on August 10, 2026.

The matter before the Hearing Officer arises from the July 14, 2026, decision by the Respondent to establish a repayment claim of Supplemental Nutrition Assistance Program (SNAP) benefits against the Appellant.

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

Department's Exhibits:

D-1 SNAP 6 or 12-Month Contact Form (PRC2) received October 27, 2025
D-2 Notice of SNAP Approval dated October 28, 2025
D-3 Fraud Referral Form dated March 25, 2026
D-4 SNAP Claim Determination Form, SNAP Claim Calculations, SNAP Allotment Determination, Case Benefit Summary, Employee Wage Data, and Benefit Payment History
D-5 Employer Verification dated June 29, 2026
D-6 Child Support Payment Processing

D-7 Social Security Administration Data Exchange
D-8 Case Comments
D-9 Paystubs from [redacted] Board of Education
D-10 Notice of SNAP Termination dated March 26, 2026
D-11 West Virginia Income Maintenance Manual §10.4.2.A
D-12 SNAP Application dated June 25, 2025
D-13 West Virginia Income Maintenance Manual §11.2

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 was receiving SNAP benefits for a three-person assistance group.

2) The Appellant completed an interim contact report on October 27, 2025, reporting the household's only income as child support and SSI for child [redacted] (Exhibit D-1).

3) On October 28, 2025, the Respondent notified the Appellant that her SNAP benefits would be $653 monthly, effective December 1, 2025 (Exhibit D-2).

4) The October 28, 2025, notice instructed the Appellant to notify the Department of Human Services (DoHS) if her monthly gross income exceeded $2,888, explaining that gross income was defined as earned income before any taxes or withholdings are deducted (Exhibit D-2).

5) The Appellant applied for Low Income Energy Assistance Program (LIEAP) benefits on January 29, 2026, and reported employment with the [redacted] Board of Education on the application (Exhibit D-8).

6) The DoHS caseworker confirmed the onset of SSI for child [redacted] with data exchange with the Social Security Administration while processing the LIEAP application (Exhibits D-4 and D-8).

7) The Appellant provided verification of her earned income to DoHS on March 16, 2026 (Exhibits D-9).

8) The DoHS calculated the Appellant's monthly earned income as $2,354.94 (D-10).

9) The onset of the Appellant's earned income and [redacted] SSI exceeded the allowable limit to continue receiving SNAP benefits.

10) The DoHS notified the Appellant on March 26, 2026, that she would no longer receive SNAP benefits after April 30, 2026, due to excessive income (Exhibit D-10).

11) On July 14, 2026, the Respondent notified the Appellant that a client error SNAP repayment claim of $2,492 had been established for benefits issued in error from January through April 2026.

APPLICABLE POLICY

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

(a) ***General.***

(1) A recipient claim is an amount owed because of:

(i) Benefits that are overpaid or

(ii) Benefits that are trafficked. Trafficking is defined in 7 CFR 271.2.

(2) This claim is a Federal debt subject to this and other regulations governing Federal debts. The State agency must establish and collect any claim by following these regulations.

(3) As a State agency, you must develop a plan for establishing and collecting claims that provides orderly claims processing and results in claims collections similar to recent national rates of collection. If you do not meet these standards, you must take corrective action to correct any deficiencies in the plan.

(4) The following are responsible for paying a claim:

(i) Each person who was an adult member of the household when the overpayment or trafficking occurred;

(ii) A person connected to the household, such as an authorized representative, who actually trafficks or otherwise causes an overpayment or trafficking.

(b) ***Types of claims***. There are three types of claims:

(1) Intentional Program Violation (IPV) claim - any claim for an overpayment or trafficking resulting from an individual committing an IPV.

(2) Inadvertent Household Error claim - any claim for an overpayment resulting from a misunderstanding or unintended error on the part of the household.

(3) Agency Error claim - any claim for an overpayment caused by an action or failure to take action by the State agency.

(c) ***Calculating the claim amount*** —

(1) *Claims not related to trafficking.*

(i) As a State agency, you must calculate a claim back to at least twelve months prior to when you became aware of the overpayment. Do not include any amounts that occurred more than six years before you became aware of the overpayment.

(ii) Actual step for calculating a claim are –

(A) Determine the correct amount of benefits for each month that the household received an overpayment.

(B) Do not apply the earned income deduction to that part of any earned income that the household failed to report timely when this act is the basis for the claim unless the claim is agency error, then apply the earned income deduction.
(C) Subtract the correct amount of benefits actually received. The answer is the amount of the overpayment.
(D) Reduce the overpayment amount by any EBT amounts expunged for the household's EBT account.

West Virginia Income Maintenance Manual Chapter 11 explains repayment procedures:

11.2 SNAP Claims and Repayment Procedures
When an assistance group (AG) has been issued more Supplemental Nutrition Assistance Program (SNAP) benefits than it was entitled to receive, corrective action is taken by establishing either an Unintentional Program Violation (UPV) or Intentional Program Violation (IPV) claim. The claim is the difference between the SNAP entitlement of the AG and the SNAP allotment the AG was entitled to receive.

11.2.3 Identifying the Month(s) for Which Claims are Established
The number of month(s) for which claims are established 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 overissuance
- An unintentional error made by the client resulted in the overissuance
- The client's benefits are continued pending a Fair Hearing decision and the subsequent decision upholds the DoHS's action
- It is determined by court action or ADH the client did not commit an IPV; the claim is pursued as a UPV
- The AG received SNAP solely because of Categorical Eligibility, and it is subsequently determined ineligible for WV WORKS and/or Supplemental Security Income (SSI) at the time it received it
- The DoHS issued duplicate benefits and the overissued amount was not returned
- The DoHS continued issuance beyond the certification period without completing a redetermination

A client error UPV is only established retroactively for the six-year period preceding the month of discovery. An agency error is only established retroactively for the one-year period preceding the date of the discovery.

11.2.3.A.1 Agency Errors
Failure to Take Prompt Action - The first month of overissuance is the month the change would have been effective had the agency acted promptly.

Computation Error - The first month of overissuance is the month the incorrect allotment was effective.

11.2.3.A.2 Client Errors
When the client fails to provide accurate or complete information, the first month of the overissuance is the month the incorrect, incomplete, or unreported information would have affected the benefit level considering notice and reporting requirements.

11.2.5 Collecting the Claim
Collection action is initiated against the AG that received the overissuance. When the AG composition changes, collection is pursued against any and all AGs that include a liable debtor. The following persons are equally liable for the total amount of the overpayment and are liable debtors:

- Adult or emancipated minors in the AG
- Disqualified individuals who would otherwise be required to be included
- An unreported adult who would have been required to be in the AG had he been reported
- Sponsors of noncitizen AGs when the sponsor is responsible for the overpayment
- An authorized representative of an AG if he is responsible for the overpayment

For AGs containing a liable debtor that are certified at the time the claim is established, collection activity may begin by recoupment, after the notice period expires. Recoupment by benefit allotment reduction is mandatory for all claims when a liable debtor is certified for SNAP. The eligibility system automatically begins recoupment and posts these payments to the claim.

11.2.6 Determining the Repayment Amount
The minimum amount of repayment is determined as follows.

11.2.6.A UPV Client and Agency Errors
11.2.6.A.1 Current Recipients
The current benefit entitlement is reduced by 10% or $10, whichever is greater.

West Virginia Income Maintenance Manual Chapter 4 lists income limits:

Appendix A
130% of the Federal Poverty Level for a three-person assistance group is $2,888

West Virginia Income Maintenance Manual Chapter 10 explains case maintenance:

10.4.2.A Limited Reporting
When approved with a gross non-excluded income at or below 130% of the Federal Poverty Level (FPL), an AG must report when the total gross non-excluded earned and

unearned income of the Income Group (IG) exceeds 130% of the FPL for the number of individuals in the original AG.

DISCUSSION

Pursuant to policy and federal regulations, 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.

The Respondent established a client error repayment claim against the Appellant for SNAP benefits that were issued from January 2026 through April 2026 for which she was not eligible to receive. Elizabeth Mullins, witness for the Respondent, testified that the Appellant was required to report if her total gross household income exceeded the SNAP income limit of $2,888. Ms. Mullins contended that the Appellant returned to work full-time in November 2025 but did not report the employment until she applied for LIEAP in January 2026. Ms. Mullins stated that the Appellant's son, [redacted] began receiving SSI in December 2025, which was not reported or discovered until the January 2026 LIEAP application. The Appellant's earned income and [redacted] SSI were added to the Appellant's case, resulting in the termination of SNAP benefits effective May 1, 2026.

The Appellant testified that she did not realize that the DoHS counted gross income, instead of net income, in determining eligibility which is why she did not report her employment sooner. The Appellant contended that neither child receives child support due to the onset of SSI but admitted she sometimes receives child support arrears. The Appellant stated that her income varies and her net income does not exceed the SNAP income limit.

The Appellant received SNAP benefits from January through April 2026 based on child support and SSI income only although the Appellant had been working full-time since November 2025. The Appellant was issued SNAP benefits for which she was not entitled to receive. Federal regulations require that SNAP benefits issued in error must be recouped by establishing a repayment claim. Whereas the Appellant received SNAP benefits for which she was not eligible for, the Respondent's decision to establish a repayment claim 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.

2) The Appellant failed to report her earnings when she returned to work in November 2025.

3) The Appellant received SNAP benefits from January 2026 through April 2026 based on child support and SSI income only.

4) The Appellant received SNAP benefits she was not entitled to receive.

5) The addition of the Appellant's earned income exceeds the allowable limit set forth by policy.

6) The Respondent correctly established a repayment claim to recoup SNAP benefits issued in error.

DECISION

It is the decision of the State Hearing Officer to **uphold** the action of the Respondent to establish a client error repayment claim against the Appellant.

ENTERED this 8th day of September 2026.

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Kristi Logan
Certified State Hearing Officer