WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted]

Appellant,

v. **Action Number: 26-BOR-2482**

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 September 3, 2026, on an appeal filed on August 7, 2026.

The matter before the Hearing Officer arises from the August 4, 2026 notice from the Respondent that the Appellant did not make the agreed upon monthly payment toward a claim for repayment of cash assistance benefits.

At the hearing, the Respondent appeared by Carl Hostler, Assistant Attorney General. Appearing as a witness for the Respondent was Lisa Snodgrass, 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 Board of Review Common Chapters Manual Section 710.16 and 710.20
D-2 West Virginia Income Maintenance Manual (IMM) Section 11.2.7
D-3 Notice from Department of Human Services (DoHS) to Aimee Figgatt dated February 10, 2026

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 overpaid WV WORKS cash assistance between June 2025 and December 2025.

2) On February 10, 2026, the Respondent notified the Appellant that she was paid $2,919 more in cash benefits than she was eligible to receive, that a client error claim was established, and that she must repay the overissuance. (Exhibit D-3)

3) Between February 2026 and August 2026, the Appellant stopped using the Electronic Benefit Transfer (EBT) card which accessed the cash assistance benefits, and the account had a balance of $1,839.

4) On August 4, 2026, the Respondent notified the Appellant that she had failed to make the agreed upon monthly payment toward her WV WORKS claim and the balance owed was $2,919. (Notice dated August 4, 2026, submitted to the Board of Review and part of the Administrative record)

5) As of the date of the hearing, the Appellant was unable to access her EBT account.

6) As of the date of the hearing, the Appellant's EBT account had a balance of $1,839.

7) After $1,839 in benefits from the EBT account is removed and credited, the remaining balance of the claim will be $1,080.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Section 10.5.7 describes WV WORKS Corrective Procedures, in pertinent part:

> **10.5.7.G Returned EBT Benefits**
> A client may not return benefits unless he was ineligible for the cash benefits received in the EBT account and wishes to return them. The client is referred to the Repayment Investigator (RI), when such staff is available in the local office. The RI completes a claim and removes the benefits from the EBT account, using the administrative terminal, and credits the benefits as a repayment on the claim. The client must sign form IG-IFM-BENPAY-1. The RI completes the bottom of the form to indicate the benefits were removed.

If the RI staff is not available in the local office, a Supervisor in the local office completes the IG-IFM-BENPAY-1 and removes the benefits from the EBT account using the administrative terminal. The Supervisor completes a referral through the eligibility system to Investigations and Fraud Management (IFM) for the claim and forwards the original IG-IFM-BENPAY-1 to the RI.

West Virginia Income Maintenance Manual Section 11.3.6.B describes Determining the Repayment Amount, in pertinent part:

11.3.6.B Former Recipients

Liable debtors are responsible for payment of all claims regardless of case status. Form ES-REPAY-1 offers the client the following options to repay when there is no liable debtor.

11.3.6.B.1 Lump-Sum Payment

One payment is made to pay the claim in its entirety.

11.3.6.B.2 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.

11.3.6.B.3 Use of EBT Cash Account Benefits

• When there has been an unused cash benefit in an EBT cash account for a period of 229 days from the date the benefit was issued, a notice is generated to the client, advising if they do not take action within 13 days and a claim is present, the benefit from this benefit month will be applied to the claim. An alert will be sent to the Worker; however, no action is required by the Worker. An alert will also be sent to IFM. This will give them an opportunity to act on an open claim for the case.

• Expungement – When there has been an unused cash benefit in an EBT cash account for a period of 365 days from the date the benefit was last use, a notice is generated to the client, advising the benefits have been expunged and are no longer available. The notice will also advise they may have other benefit months remaining. The client is also encouraged to make monthly transactions on remaining benefits.

An alert will be sent to the Worker; however, no action is required by the Worker at that time.

West Virginia Income Maintenance Manual Section 11.3.7 describes the Right to a Fair Hearing regarding a Cash Assistance Claim, in pertinent part:

11.3.7 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. If the client requests a Fair Hearing within 30 days of the initial notification/demand payment letter, the Worker stops collection until the Fair Hearing is completed. Any adjustments in the amount of the claim, required by the Fair Hearing decision, are made after the decision.

DISCUSSION

The Appellant appeals the amount of a cash assistance repayment claim as detailed on a notice of delinquency. The Respondent argues that the Appellant was overissued $2,919 in cash assistance benefits due to client error, that she must repay the amount overissued, and that she was delinquent on making payments on the claim.

The Respondent notified the Appellant on February 10, 2026, that a repayment claim had been established for $2,919. The Appellant requested a fair hearing on August 7, 2026. At the onset of the hearing, the Respondent moved to dismiss the hearing because the request was more than 90 days after the initial notice. The Appellant does not contest that she received more cash assistance benefits than she was entitled to receive, nor that the repayment was a result of her error. When the issue before the Board of Review was clarified, it was not based on the establishment of the client error claim, but on the balance owed. Therefore, the motion to dismiss is moot.

On August 4, 2026, the Respondent notified the Appellant that she had not made the agreed upon monthly payment toward her claim and that the balance owed was $2,919. The Appellant argues that the total balance due is incorrect. The Appellant testified that there was a balance of $1,839 on her EBT card that should have been applied to the amount owed as she believed that amount had been recouped by the Respondent. The Appellant further testified that she no longer had access to her EBT account and that it appeared to be closed.

The Respondent's witness, Lisa Snodgrass, testified that the Appellant's EBT balance had not been credited toward the claim. Ms. Snodgrass testified that the balance of the Appellant's EBT account at the time of the hearing was still $1,839, and that the funds had not been recouped. Ms. Snodgrass stated that the balance could be removed and credited to pay part of the claim, but that the Appellant would need to complete a form in order to process the request.

Pursuant to policy, a recipient may return cash benefits she was ineligible to receive if she wishes to do so. In this circumstance, policy states that the repayment investigator completes a claim and removes the benefits from the EBT account, using the administrative terminal, and credits the benefits as a repayment on the claim. The client must sign form IG-IFM-BENPAY-1.

Ms. Snodgrass testified that she would complete the form and it would be available for the Appellant to sign at the [redacted] Department of Human Services local office on the same day as the hearing. The Appellant agrees that, once the $1,839 in the EBT account is removed and credited toward the claim amount, the remaining balance of $1,080 will be owed by her.

CONCLUSIONS OF LAW

1) The Appellant agrees that she was overissued $2,919 more in cash assistance benefits than she was entitled to receive due to client error.

2) The Appellant has $1,839 in her EBT account, which can be returned and credited as repayment on the claim, by signing form IG-IFM-BENPAY-1.

3) The Appellant agrees that, after $1,839 in benefits from the EBT account is removed and credited, the remaining balance of the claim will be $1,080.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the actions of the Respondent to notify the Appellant that the balance owed on the Appellant's claim was $2,919 and she was delinquent on making payments.

ENTERED this 10th day of September 2026.

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Amy Hayes
State Hearing Officer
Member, Board of Review