



April 22, 2024

[REDACTED]

Re: [REDACTED] v. WV OIG IFM  
ACTION NO.: 24-BOR-1351

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 Health and the Department of Human Services. These same laws and regulations are used in all cases to assure 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,

Angela D. Signore  
State Hearing Officer  
Member, State Board of Review

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

cc: Lisa Snodgrass, Investigations & Fraud Management



BEFORE THE WEST VIRGINIA OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW

IN THE MATTER OF:

[REDACTED]

Defendant,

v.

ACTION NO.: 24-BOR-1351

WEST VIRGINIA OIG INVESTIGATIONS  
AND FRAUD MANAGEMENT,

Movant.

**DECISION OF STATE HEARING OFFICER**

**INTRODUCTION**

This is the decision of the State Hearing Officer resulting from an Administrative Disqualification Hearing (ADH) for [REDACTED] requested by the Movant on February 08, 2024. This hearing was held in accordance with the provisions found in Chapter 700 of the Office of Inspector General Common Chapters Manual and Federal Regulations at 7 CFR § 273.16. This fair hearing was convened on March 13, 2024.

The matter before the Hearing Officer arises from a request by the Movant for a determination as to whether the Defendant has committed an Intentional Program Violation (IPV) and should therefore be disqualified from the Supplemental Nutrition Assistance Program (SNAP) benefits for twelve (12) months.

At the hearing, the Movant appeared by Lisa Snodgrass, Investigator, Office of Inspector General (OIG) Investigations & Fraud Management (IFM). The Defendant failed to appear. All witnesses were sworn and the following documents were admitted into evidence.

**Movant's Exhibits:**

M-1 Advance Notice of Administrative Disqualification Hearing and Waiver of Administrative Disqualification Hearing, dated December 20, 2023; and Repayment Agreement, "signed under duress," dated January 10, 2024

M-2 WV DoHS PATH eligibility system printout of Individual SNAP IPV Disqualification screen

M-3 WV DoHS Notice of Decision(s), dated January 12, 2024; Repeat of M-2; WV DoHS PATH eligibility system printout of Prosecution Information; WV DoHS PATH eligibility system printout of Individual SNAP IPV Sanction screen

M-4 Food Stamp Claim Determination, dated February 2022 through December 2023; SNAP Claim Calculation Sheet(s), dated February 2022 through December 2023; and WV PATH eligibility system printout of Case Benefit Summary, dated February 2022 through December 2023; WV PATH eligibility system printout of Case Benefit Referral, dated December 21, 2023; WV PATH eligibility system printout of Cash Assistance Claim Determination, dated December 2021; WV PATH eligibility system printout of Case Benefit Summary, dated December 01, 2021 and September 16, 2022; WV PATH eligibility system printout of Cash Assistance Claim Determination, dated September 2022; WV PATH eligibility system printout of Case Benefit Summary, dated December 01, 2021 and September 16, 2022; WV PATH eligibility system printout of Case Benefit Summary, dated December 01, 2021; and WV PATH eligibility system printout of Claims for an Individual, retrieved March 05, 2024

M-5 WV PATH eligibility system printout of Referral/Claim Comments, dated January 22, 2024 through February 27, 2024

M-6 Low Income Energy Assistance Program (LIEAP) Application, dated December 01, 2021; ██████████ Termination Notice, dated December 2021; WV DoHS Regular/Emergency LIEAP Application Checklist, dated December 01, 2021; WV DoHS Zero Income/Home Heating Cost Verification Form, dated December 01, 2021; WV DoHS Supplemental LIEAP Form, dated December 01, 2021; WV DoHS Application for Emergency Assistance (EA), dated December 01, 2021; ██████████ Water Termination, dated November 23, 2021; WV DoHS Supplemental Nutrition Assistance Program Application, dated December 03, 2021; WV DoHS Supplemental Nutrition Assistance Program Application, dated February 07, 2022; WV DoHS Notice of Supplemental Nutrition Assistance Program Review, dated June 13, 2022; WV DoHS Notice of Supplemental Nutrition Assistance Program Review, dated December 15, 2022; and WV DoHS Notice of Supplemental Nutrition Assistance Program Review, dated June 21, 2023;

M-7 Interstate Paternity Acknowledgement Certification Transmission (IPACT) Marriage Search for ██████████, dated August 20, 2016; WV DoHS OIG IFM Notice to ██████████, dated November 02, 2023; Employment Data for ██████████ provided by ██████████, dated November 17, 2023; Wage History for ██████████ provided by ██████████, dated November 17, 2023; WV PATH eligibility system printout of Driver History Inquiry - Driver ID for ██████████, retrieved November 21, 2023; WV PATH eligibility system printout of Driver History Inquiry - Driver ID for ██████████, retrieved October 25, 2023; WV DoHS OIG IFM Address Information Request to ██████████ Postmaster, dated November 02, 2023; WV PATH eligibility system printout of AP/CT Case Summary for ██████████, retrieved October 25, 2023; WV PATH eligibility system printout of Financial Summary for ██████████ - October 2023, retrieved October 25, 2023; WV PATH eligibility system printout of

Child Data, retrieved October 25, 2023; WV PATH eligibility system printout of Absent Parent Address, retrieved October 25, 2023; WV PATH eligibility system printout for Child Support Narrative, Dated October 13, 2023 through October 20, 2023; Notice from Public Employees Insurance Agency (PEIA) Certifying Policy Members [REDACTED], dated September 13, 2023; and Notice from Public Employees Insurance Agency (PEIA) Certifying Policy Member [REDACTED], dated September 13, 2023

M-8 WV PATH eligibility system printout of Employee Wage Data for [REDACTED], First Quarter 2022 through Third Quarter 2023; and WV PATH eligibility system printout of Employee Wage Data for [REDACTED] Fourth Quarter 2022 through Third Quarter 2023;

M-9 West Virginia Income Maintenance Manual (WVIMM) Appendix A: Income Chart

M-10 [REDACTED] Statement(s) for [REDACTED] dated December 09, 2021 through September 08, 2022

M-11 WVIMM §§ 1.2.4 through 1.2.5; 3.2 through 3.2.3; 1.4 through 1.4.12.B; 3.2.1.B.5 through 3.2.1.C; 4.4.3 through 4.4.3.A; 10.4.2.C through 10.4.2.D; 11.2 through 11.2.5; 11.6 through 11.6.2; 20.2 through 20.2.4.A.1; and 21.3 through 21.3.2.C.3

M-12 Code of Federal Regulations 7 CFR § 273.16

**Defendant'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 Investigation and Fraud Management (IFM) Unit alleged an act of Intentional Program Violation (IPV) by the Defendant for withholding information regarding household composition and income in her Assistance Group (AG) resulting in an over-issuance of SNAP, LIEAP, and EA benefits for the time period of February 2022 through December 2023, and is requesting that she be disqualified from participation in SNAP, for a period of twelve (12) months. (Exhibits M-1 through M-10)
- 2) The Defendant was notified of the hearing by scheduling order issued on February 08, 2024, via First Class U.S. Mail. The Defendant failed to appear for the hearing or provide good cause for her failure to do so. In accordance with 7 CFR §273.16(e)(4) and Office of Inspector General Common Chapters Manual, §740.20, the hearing was held without the Defendant in attendance. (Exhibits M-1, M-3, and M-11 through M-12)
- 3) The Defendant was a recipient of SNAP benefits for a two (2) person AG for the time period

of February 07, 2022 through December 2023. (Exhibit M-3)

- 4) On December 01, 2021, the Defendant completed LIEAP and EA applications and reported a two (2) person AG (herself and her son, [REDACTED]) and \$0 household income. (Exhibits M-6 and M-4)
- 5) The Defendant signed the December 01, 2021 LIEAP and EA applications acknowledging that the information contained was true and correct to the best of her knowledge. (Exhibit M-6)
- 6) The Defendant's December 01, 2021 signature(s) acknowledged she understood that if she intentionally provides false information or withholds information, she may be subject to fines, imprisonment, or both, and will be required to repay benefits received to which she was not entitled. (Exhibit M-6)
- 7) On December 03, 2021 and February 07, 2022, the Defendant completed SNAP application(s) reporting a two (2) person AG (herself and her son, [REDACTED]) and \$0 household income. (Exhibits M-6 and M-4)
- 8) The Defendant signed the December 03, 2021 and February 07, 2022 SNAP applications acknowledging that the information contained was true and correct to the best of her knowledge. (Exhibit M-6)
- 9) The Defendant's December 03, 2021 and February 07, 2022 signatures acknowledged she understood that if she intentionally provides false information or withholds information, she may be disqualified from receiving SNAP benefits for a penalty period of twelve (12) months for a first-offense. (Exhibit M-6)
- 10) On June 30 and December 22, 2022, the Defendant submitted SNAP review(s) and reported a two (2) person AG (herself and her son, [REDACTED]) and \$0 household income. (Exhibits M-6)
- 11) The Defendant signed the June 30 and December 22, 2022 review forms acknowledging that the information contained was true and correct to the best of her knowledge. (Exhibit M-6)
- 12) The Defendant's June 30 and December 22, 2022 signatures acknowledged she understood that if she intentionally provides false information or withholds information, she may be disqualified from receiving SNAP benefits for a penalty period of twelve (12) months for a first-offense. (Exhibit M-6)
- 13) On July 13, 2023, the Defendant submitted a SNAP review reporting a two (2) person AG (herself and her son, [REDACTED]) and a total household income received by [REDACTED] in the amount of "\$1,332 - \$1,480 a/month." (Exhibit M-6)

- 14) The Defendant signed the July 13, 2023 review form acknowledging that the information contained was true and correct to the best of her knowledge. (Exhibit M-6)
- 15) The Defendant's July 13, 2023 signature acknowledged she understood that if she intentionally provides false information or withholds information, she may be disqualified from receiving SNAP benefits for a penalty period of twelve (12) months for a first-offense. (Exhibit M-6) Thi
- 16) On an unknown date, the Movant's Front End Fraud Unit (FEFU) reported its findings to the Investigations and Fraud Management unit alleging that the Defendant's husband, [REDACTED], is a member of the Appellant's household located at [REDACTED].
- 17) On November 02, 2023, the Movant submitted an Address Information Request to the United States Postal Service (USPS) [REDACTED] Post Office (PO) for [REDACTED] which reported [REDACTED] as the current address. (Exhibit M-7)
- 18) On October 25, 2023, the Movant requested a Driver History Inquiry for [REDACTED] which reported [REDACTED] as the current Drivers License address issued on November 01, 2019. (Exhibit M-7)
- 19) On November 02, 2023, the Movant requested Employment and Wage Verification for [REDACTED] through the [REDACTED]. (Exhibit M-7)
- 20) On November 17, 2023, employment data for [REDACTED] was returned to the Movant which reported an initial employment date of September 06, 2016 to December 21, 2018, a rehire date of March 18, 2019 to July 28, 2023, and current employment beginning October 01, 2023. The Employer reported [REDACTED] as his current address. (Exhibit M-7)
- 21) As a result of the investigation, the Movant contends that the Defendant received SNAP, LIEAP, and EA benefits to which she was not entitled for the months of February 2022 through December 2023, due to inaccurate reporting of household composition. (Exhibits M-1 through M-10)
- 22) On January 02, 2024, the Movant issued an Advance Notice of Administrative Disqualification Hearing Waiver to the Defendant. (Exhibit M-1)
- 23) On January 10, 2024, the Defendant signed the Advance Notice of Administrative Disqualification Hearing Waiver and checked box 2, declaring that she does not admit that the facts as presented are correct. The Defendant included a handwritten note which read "Facts? = accusations, thus signing under duress." (Exhibit M-1)

- 24) On the same date, the Defendant completed the included Repayment Agreement, agreeing to repay the Movant a sum of \$13,146.68 in benefits for which she was not entitled for the time period of February 2022 through December 2023. (Exhibit M-1)
- 25) Because the Defendant alleged she signed the Movant's Repayment Agreement "under duress," on February 07, 2024, the Movant requested an Administrative Disqualification Hearing.
- 26) The Movant had not spoken to or met with the Defendant prior to the Defendant signing the January 2024 Repayment Agreement as "under duress."

### **APPLICABLE POLICY**

#### **Code of Federal Regulations (CFR) § 273.16 provides, in part:**

An individual making a false or misleading statement, or misrepresenting, concealing, or withholding facts, violating the Food Stamp Program (SNAP), or any State statute for the purpose of acquiring, receiving, possessing, or trafficking of coupons, authorization cards, or reusable documents used as part of an automated benefit delivery system has committed to an Intentional Program Violation (IPV).

#### **Code of Federal Regulations, 7 CFR §273.16(b)(1)(i) provides, in part:**

Individuals found to have committed an Intentional Program Violation through an Administrative Disqualification Hearing or by a Federal, State, or local court, or who have signed either a waiver of right to an Administrative Disqualification Hearing or a disqualification consent agreement in cases referred for prosecution show be ineligible to participate in the Supplemental Nutrition Assistance Program for twelve months for the first intentional Program violation.

#### **West Virginia Income Maintenance Manual (WVIMM) § § 1.2.4 Client Responsibility provides, in part:**

The client's responsibility is to provide complete and accurate information about his circumstances so that the Worker is able to make a correct determination about his eligibility.

#### **WVIMM § 1.6.10 provides, in part:**

The IEVS provides the DHHR with additional sources of information for use in determining eligibility and the amount of the benefit for applicants and clients. This



information is provided to the Worker through data exchanges.

**WV IMM § 3.2.1.B.5 provides, in part:**

Persons who have been found guilty for an IPV are disqualified as follows: First offense, One-year disqualification; Second offense, Two-year disqualification; and Third offense, permanent disqualification.

**WVIMM § 6.1.2 provides, in part:**

The IEVS provides the DHHR with additional sources of information for use in determining eligibility and the amount of the benefit for applicants and clients. This information is provided to the Worker through data exchanges.

Through the eligibility system, DHHR staff receive information obtained through data exchanges with other governmental agencies. The IEVS procedures ensure that appropriate Internal Revenue Service (IRS) privacy and procedural safeguards are applied in the use of the information. The same precautions with privacy and procedural safeguards apply to information received through the FDH.

Information obtained through IEVS is used for the following purposes:

- To verify the eligibility of the assistance group (AG)
- To verify the proper amount of benefits
- To determine if the AG received benefits to which it was not entitled

To obtain information for use in criminal or civil prosecution based on receipt of benefits to which the AG was not entitled. Federal regulations require use of the following data exchanges that are provided using the IEVS:

- WorkForce West Virginia
- Wage and unemployment compensation information (UCI) data is available.
- Internal Revenue Service (IRS) – Unearned income data is available.
- Social Security Administration (SSA) – Retirement, Survivors and Disability Insurance (RSDI), Supplemental Security Income (SSI), and net earnings from self-employment data are available.

**WVIMM § 10.4.2 provides, in part:**

All SNAP Assistance Groups (AGs) must report changes related to eligibility and benefit amount at application and redetermination.

**WVIMM § 10.4.2.B.2 provides, in part:**

The following are considered reported changes for SNAP and require follow up and/or action for all AGs:

- Information received from any source that the client was required to report.

Information Requiring Reporting Example: A report is received from Quality Control (QC) that the income of a SNAP AG exceeds the gross limit. The information is acted on because the client is required to report it.

**WVIMM § 11.2 provides, in 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.

**WV IMM § 11.2.3.B provides, in part:**

IPVs include making false or misleading statements, misrepresenting facts, concealing or withholding information, and committing any act that violates the Food Stamp Act of 1977, SNAP regulations, or any State statute related to the use, presentation, transfer, acquisition, receipt, or possession of SNAP benefits.

The client(s) who is found to have committed an IPV is ineligible to participate in the program for a specified time, depending on the number of offenses committed.

**WV IMM § 11.6.1 provides, in part:**

A willfully false statement is one that is deliberately given, with the intent that it be accepted as true, and with the knowledge that it is false.

**DISCUSSION**

Federal regulations define an Intentional Program Violation (IPV) as making a false statement related to the acquisition of Supplemental Nutrition Assistance Program (SNAP) benefits. The Movant requested the Administrative Disqualification Hearing to determine whether the Defendant committed an IPV by way of providing a false statement at the time of application/review and is requesting that she be disqualified from participation in SNAP for a period of twelve (12) months for a first offense. The IFM Unit of the Office of Inspector General (OIG) alleged an act of IPV by the Defendant for withholding information regarding household composition and income for her

Assistance Group (AG), resulting in an over-issuance of SNAP, LIEAP, and EA benefits for the period of February 2022 through December 2023. The Defendant was notified of the hearing by scheduling order issued on February 08, 2024, via First Class U.S. Mail. The Defendant failed to appear for the hearing and/or provide good cause for her failure to do so. In accordance with 7 CFR §273.16(e)(4) and Office of Inspector General Common Chapters Manual, §740.20, the hearing was held without the Defendant in attendance.

On December 01, 2021, the Defendant completed LIEAP and EA applications, reporting a two (2) person AG (herself and her son, [REDACTED]) and no source of income for the Appellant's household located at [REDACTED]. On December 03, 2021, February 07, 2022, June 30, 2022, December 22, 2022, and July 13, 2023, the Defendant completed SNAP application(s)/review(s), again reporting a two (2) person AG. The Defendant signed all applications and redetermination forms and acknowledged the information provided was true and correct; however, she failed to report [REDACTED] as a member of her AG on the forms and at the time of interview(s). The Defendant's signatures acknowledged she understood that if she intentionally provides false information or withholds information, she may be disqualified from receiving SNAP benefits for a penalty period of twelve (12) months for a first-offense.

On an unknown date, the Front End Fraud Unit (FEFU) reported its findings to the Movant alleging that the Defendant's husband, [REDACTED], is a member of the Appellant's household located at [REDACTED]. The Movant had to prove by clear and convincing evidence that the Defendant misrepresented or intentionally withheld information about her household composition for the purpose of receiving SNAP benefits. When reviewing the evidence, on October 25, 2023, the Movant requested a Driver's History Inquiry for [REDACTED] which reported [REDACTED] as his most recent address on a license issued November 01, 2019. On November 02, 2023, the Movant's IFM Unit provided an Address Information Request issued to the United States Postal Service (USPS) [REDACTED], which reported [REDACTED] as his current address; and Employment and Wage Verification for [REDACTED] through the [REDACTED] Employment data for [REDACTED] was returned to the Movant which reported an initial employment date of September 06, 2016 to December 21, 2018, a rehire date of March 18, 2019 to July 28, 2023, and current employment beginning October 01, 2023. The Employer further reported [REDACTED] as [REDACTED] reported address.

As a result of the investigation, the Movant alleged that the Defendant received SNAP, LIEAP, and EA benefits to which she was not entitled for the months of February 2022 through December 2023, due to inaccurate reporting of household composition. The Movant, through its investigation, found by way of information obtained through the IEVS data exchange, determined that because the Defendant failed to report [REDACTED] as a member of her AG, income earned by [REDACTED] during and beyond the months of February 2022 through December 2023 benefit application(s)/review(s) in order to acquire SNAP, LIEAP, and EA benefits she was not entitled to receive, thereby committing an IPV.

On January 02, 2024, the Movant issued an Advance Notice of Administrative Disqualification Hearing Waiver to the Defendant. On January 10, 2024, the Defendant signed the Waiver and checked box 2, declaring that she does not admit that the facts as presented are correct, and included a handwritten note which read “Facts? = accusations, thus signing under duress.” The Defendant completed the additional Repayment Agreement, agreeing to repay the Movant a sum of \$13,146.68 for benefits she was not entitled to receive February 2022 through December 2023. However, because the Defendant signed the Movant’s Repayment Agreement “under duress,” the Movant requested an Administrative Disqualification Hearing on February 07, 2024. It should be noted that the Movant had not spoken to or met with the Defendant prior to the Defendant signing the January 2024 Repayment Agreement as “under duress.”

Pursuant to state and federal regulations, the Defendant has a responsibility to provide complete and accurate information about her circumstances so that the Movant can make a correct determination regarding her SNAP eligibility. The Movant established by clear and convincing evidence that the Defendant made false statements at the time of application and review to acquire benefits she was not entitled to receive, thereby committing an IPV. The Defendant did not appear for the hearing, and as such could not dispute facts presented by the Movant. Pursuant to regulations, individuals found to have committed an IPV through an ADH shall be ineligible to participate in SNAP for a specified time, depending on the number of offenses committed. Because the Defendant had no previous history of IPV disqualification penalties, a first-offense twelve (12) month disqualification penalty should be imposed, beginning in accordance with timelines established in federal regulations.

### **CONCLUSIONS OF LAW**

- 1) Federal regulations define an Intentional Program Violation (IPV) as making a false or misleading statement, misrepresenting, concealing, or withholding facts, violating the Food Stamp Program (SNAP), or any State statute for the purpose of acquiring, receiving, possessing, or trafficking of coupons, authorization cards, or reusable documents used as part of an automated benefit delivery system.
- 2) The Movant provided clear and convincing evidence that the Defendant provided false statements at the time of application/review by withholding information regarding household composition and income in order to acquire SNAP benefits she was otherwise not entitled to receive.
- 3) Because the action of the Defendant constitutes an IPV, the Movant must disqualify the Defendant from receipt of SNAP benefits.
- 4) Because the IPV is a first-offense, the disqualification period is twelve (12) months beginning June 01, 2024.

### **DECISION**

It is the finding of the State Hearing Officer that the Defendant committed an Intentional Program Violation (IPV). The Defendant will be disqualified from receipt of SNAP benefits for a period of twelve (12) months, beginning June 01, 2024.

ENTERED this 22nd day of April 2024.

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**Angela D. Signore**  
State Hearing Officer