



April 17, 2024

[REDACTED]

RE: [REDACTED] v. INVESTIGATIONS AND FRAUD MANAGEMENT
ACTION NO.: 24-BOR-1550

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 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,

Kristi Logan
Certified State Hearing Officer
Member, State Board of Review

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

cc: Anisha Eye, IFM

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

██████████,

Defendant,

v.

Action Number: 24-BOR-1550

**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 for ██████████ requested by the Movant on February 28, 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. The hearing was convened on April 10, 2024.

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

At the hearing, the Movant appeared by Anisha Eye, Investigations and Fraud Management. The Defendant represented herself. The witnesses were placed under oath and the following documents were admitted into evidence.

Movant's Exhibits:

- M-1 Case Members History Screen Print
- M-2 SNAP Issuance-Disbursement Screen Print
- M-3 SNAP Allotment Determination Screen Prints
- M-4 Non-Financial Eligibility Determination Screen Print
- M-5 SNAP Claim Determination
- M-6 SNAP Claim Calculation Sheets
- M-7 Case Comments from January 3 – February 5, 2024

- M-8 Employment Verification from [REDACTED]
- M-9 SNAP Application dated December 18, 2023
- M-10 Combined Application and Review Form dated January 12, 2024
- M-11 Waiver of Administrative Disqualification Hearing (unsigned copy)
- M-12 Advance Notice of Administrative Disqualification Hearing Waiver dated February 16, 2024
- M-13 West Virginia Income Maintenance Manual §1.2.4
- M-14 West Virginia Income Maintenance Manual §11.2
- M-15 West Virginia Income Maintenance Manual §11.6
- M-16 Code of Federal Regulations – Title 7 §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 Movant alleged that the Defendant committed an Intentional Program Violation (IPV) by falsely reporting her household income and requested that a twelve (12) month penalty be imposed against her.
- 2) The Defendant submitted a SNAP application to the Movant on December 18, 2023, for a four-person assistance group (Exhibit M-9).
- 3) No income for the household was reported on the application (Exhibit M-9).
- 4) A telephone interview was completed with the Defendant on January 3, 2024 (Exhibit M-7).
- 5) The Defendant reported that the household's only income was \$914 monthly SSI for her daughter, [REDACTED] SNAP benefits were pended for verification of the Defendant's shelter costs and the signed Combined Application and Review Form (Exhibit M-7).
- 6) The Defendant provided her lease agreement and the signed Combined Application and Review Form on January 11, 2024 (Exhibit M-7).
- 7) SNAP benefits were approved based upon the information provided by the Defendant (Exhibits M-2 and M-3).
- 8) The Movant verified with [REDACTED] that the Defendant was hired on June 1, 2023, and her daughter, [REDACTED] was hired on June 20, 2023 (Exhibit M-8).

- 9) The Defendant received two paychecks in December 2023: December 8, \$378 and December 21, \$398. [REDACTED] was paid \$378.50 on December 8 and \$287.50 on December 21 (Exhibit M-8).

APPLICABLE POLICY

Code of Federal Regulations 7 CFR §273.16 explains Administrative Disqualification Hearing procedures:

273.16(c) Definition of an Intentional Program Violation

Intentional Program Violations consist of having intentionally made a false or misleading statement, or misrepresented, concealed or withheld facts; or committed any act that constitutes a violation of SNAP, SNAP regulations, or any State statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of SNAP benefits or Electronic Benefit Transfer (EBT) cards.

273.16(b) Disqualification Penalties

Individuals found to have committed an Intentional Program Violation either 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, shall be ineligible to participate in the Program:

For a period of twelve months for the first Intentional Program Violation, except as provided under paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section;

For a period of twenty-four months upon the second occasion of any Intentional Program Violation, except as provided in paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section; and

Permanently for the third occasion of any Intentional Program Violation.

The individual must be notified in writing once it is determined that he/she is to be disqualified. The disqualification period shall begin no later than the second month which follows the date the individual receives written notice of the disqualification. The disqualification period must continue uninterrupted until completed regardless of the eligibility of the disqualified individual's household.

West Virginia Income Maintenance Manual §11.2.3.B states that IPV's 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.

West Virginia Income Maintenance Manual §1.2.4 states that it is the client’s responsibility to provide information about his/her circumstances, so the Worker is able to make a correct decision about his/her eligibility.

DISCUSSION

Federal regulations define an Intentional Program Violation as making a false statement related to the acquisition of SNAP benefits. An individual who is found to have committed an Intentional Program Violation is disqualified from participation in SNAP.

The Defendant contended that her hours are dependent on how many clients she has and can be affected by the weather. The Defendant gave conflicting testimony regarding working in December 2023. The Defendant testified that she had not been working when she applied for SNAP benefits, adding that she worked maybe one day in December. The Defendant claimed that she reported this information to the caseworker. The Defendant contended that she reported that she was working again in January 2024 when she submitted her lease agreement. The Defendant stated any confusion regarding her employment was not intentional.

When questioned about the amount of income the Defendant and [REDACTED] received in December 2023 as verified by her employer, the Defendant testified that the amounts sounded correct.

Although the Movant did not provide documentation to support the Defendant's claim that she had not working prior to the month of application, the Defendant and [REDACTED] received paychecks on December 8, prior to the December 18, 2023, SNAP application and continued to work throughout December, January and February 2024. The Defendant made a false statement on the December 18, 2023, SNAP application by reporting no earned income for her household. The Defendant’s actions meet the definition of an Intentional Program Violation.

CONCLUSIONS OF LAW

- 1) The Defendant made a false statement on SNAP application by reporting that no one in her household was working.
- 2) The Defendant and [REDACTED] were employed and receiving earnings prior to the date of the SNAP application.
- 3) The act of making a false statement to obtain SNAP benefits constitutes an Intentional Program Violation.
- 4) The penalty for a first offense Intentional Program Violation is exclusion from participation in SNAP for 12 months.

DECISION

It is the finding of the State Hearing Officer that the Defendant committed an Intentional Program Violation. As this is the Defendant's first offense, she will be excluded from participation in the Supplemental Nutrition Assistance Program for 12 months, effective June 1, 2024.

ENTERED this 17th day of April 2024.

Kristi Logan
Certified State Hearing Officer