



June 18, 2024

[REDACTED]

RE: [REDACTED] v. INVESTIGATIONS AND FRAUD MANAGEMENT  
ACTION NO.: 24-BOR-2189

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. 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: Birdena Porter, Investigations and Fraud Management

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

██████████,

**Defendant,**

v.

**Action Number: 24-BOR-2189**

**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 May 9, 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 June 18, 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 Birdena Porter, 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 Hearing Summary
- M-2 SNAP Claim Determination Form
- M-3 SNAP Issuance History-Disbursement Screen Print
- M-4 SNAP Claim Allotment Determination Screen Prints
- M-5 Case Members History Screen Print
- M-6 SNAP 6 or 12-Month Contact Form (PRC-2) received October 31, 2023
- M-7 Employment Verification from ██████████
- M-8 Advance Notice of Administrative Disqualification Hearing Waiver dated May 9, 2024

- M-9 Waiver of Administrative Disqualification Hearing (unsigned copy)
- M-10 West Virginia Income Maintenance Manual §1.2.4
- M-11 West Virginia Income Maintenance Manual §11.2
- M-12 West Virginia Income Maintenance Manual §11.6
- M-13 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 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 interim contact form to the Department of Human Services (hereinafter Department) on October 31, 2023 (Exhibit M-6).
- 3) The Defendant reported that her household’s only income was child support of \$308.44 monthly (Exhibit M-6).
- 4) SNAP benefits were recertified based upon the information provided by the Defendant (Exhibits M-3 and M-4).
- 5) The Movant verified with [REDACTED] that the Defendant was hired on September 26, 2023, and received her first paycheck on October 11, 2023 (Exhibit M-7).
- 6) The Defendant received regular paychecks from [REDACTED] from October 2023 through May 2024 (Exhibit M-7).

**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 she initially did not report the onset of employment to the Department because she was unsure if she would be able to work an evening shift. The Defendant testified that she was offered another position with [REDACTED] a short time after she was hired and accepted that position. The Defendant stated she did not intentionally withhold the employment from the Department, but stated time got away from her and she admittedly did not report the

earned income.

The Defendant made a false statement on the October 2023 SNAP interim contact form by reporting her household's only income was from child support. Although the Defendant claimed that she only withheld information regarding the onset of employment from the Department until she was sure she would keep the position, the Defendant, by her own admission, never reported the income. The Defendant's actions meet the definition of an Intentional Program Violation.

### **CONCLUSIONS OF LAW**

- 1) The Defendant made a false statement on the SNAP interim contact form by reporting that the only income for her household was from child support.
- 2) The Defendant was employed and receiving earnings prior to the submission of the SNAP interim contact form.
- 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 August 1, 2024.

**ENTERED this 18<sup>th</sup> day of June 2024.**

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**Kristi Logan**  
**Certified State Hearing Officer**