



October 23, 2024

[REDACTED]

RE: [REDACTED] v. OIG/IFM
ACTION NO.: 24-BOR-3119

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,

Lori Woodward, J.D.
Certified State Hearing Officer
Member, State Board of Review

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

cc: Anisha Eye, OIG/IFM

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

████████████████████,

Defendant,

v.

BOR Action # 24-BOR-3119

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
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 September 4, 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 October 9, 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 (IPV) and should be disqualified from the Supplemental Nutrition Assistance Program (SNAP) for a period of twelve (12) months.

At the hearing, the Movant appeared by Anisha Eye. The Defendant failed to appear. The witness was placed under oath and the following documents were admitted into evidence.

Movant's Exhibits:

- M-1 Screen print Rapids Case Members History Screen (AQCM)
- M-2 Screen print Rapids SNAP Issuance History-Disbursement Screen (IQFS) from November 4, 2022 to June 4, 2024
- M-3 Screen print Rapids SNAP Allotment Determination Screens (EFAD)
- M-4 Screen print Rapids SNAP Non-Financial Eligibility Determination (EEND)
- M-5 Food Stamp Claim Determination Form, April 2023 to March 2024
- M-6 Food Stamp Claim Calculation Sheets
- M-7 Screen print PATH case comments from February 2023 to March 2024
- M-8 Wage Verification and History January 21, 2022 through April 19, 2024, from ██████████ dated August 22, 2024

- M-9 Supplemental Nutrition Assistance Program (SNAP) – 6 or 12 month contact form (PRC2), signed and dated February 28, 2023
- M-10 Supplemental Nutrition Assistance Program (SNAP) and Medicaid/WV CHIP review form (CSLR), signed and dated August 31, 2023
- M-11 Supplemental Nutrition Assistance Program (SNAP) – 6 or 12 month contact form (PRC2), signed and dated February 29, 2024
- M-12 Waiver of Administrative Disqualification Hearing
- M-13 Advance Notice of Administrative Disqualification Hearing Waiver dated August 23, 2024
- M-14 West Virginia Income Maintenance Manual (WV IMM), Chapter 1, §1.24
- M-15 WV IMM, Chapter 11, §11.2
- M-16 WV IMM, Chapter 11, §11.6
- M-17 Code of Federal Regulations – 7 CFR §273.16, *et. seq.*

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 that she had no earned income, and that a twelve (12) month penalty be imposed against the Defendant. (Exhibit M-12)
- 2) The Defendant was notified of the hearing by scheduling order mailed on September 4, 2024. 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)(3) and 273.16(e)(4) and Office of Inspector General Common Chapters Manual §740.20, the hearing was held without the Defendant in attendance.
- 3) The Defendant completed a PRC2 on February 28, 2023, indicating she had no earned income and certified that the statements on the PRC2 were true and correct to the best of her knowledge. (Exhibit M-9)
- 4) SNAP benefits were continued based upon the information provided by the Defendant. (Exhibits M-2 and M-3)
- 5) On August 31, 2023, the Defendant completed a CSLR indicating she had no earned income and signed the rights and responsibilities indicating that her information was true and correct. (Exhibit M-10)
- 6) SNAP benefits were recertified based upon the information provided by the Defendant. (Exhibits M-2 and M-3)

- 7) The Defendant completed a PRC2 on February 29, 2024, indicating she had no earned income and certified that the statements on the PRC2 were true and correct to the best of her knowledge. (Exhibit M-11)
- 8) SNAP benefits were continued based upon the information provided by the Defendant. (Exhibits M-2 and M-3)
- 9) The Movant verified that the Defendant had been receiving earned income continuously since January 21, 2022 through August 16, 2024, from employment with the [REDACTED]. (Exhibit M-8)
- 10) The Movant sent the Defendant Advance Notice of Administrative Disqualification Hearing Waiver (ig-ifm-ADH Ltr) and Waiver of Administrative Disqualification Hearing (ig-ifm-ADH-waiver) on August 23, 2024. (Exhibits M-12 and M-13)
- 11) This is the Defendant's first IPV.

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.

WV IMM, Chapter 1, §1.2.4: It is 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.

WV IMM, Chapter 11, §11.2.3.B, in part: 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. An IPV can only be established in the following ways:

- The client signs an IG-BR-44, Waiver of Rights to an ADH
- By an ADH decision
- By Diversionary Consent Agreement
- By court decision

Once an IPV is established, a disqualification penalty is imposed on the AG member(s) who committed the IPV.

DISCUSSION

The Movant requested the Defendant be disqualified from SNAP benefit eligibility for twelve months because she committed an Intentional Program Violation (IPV) by reporting she had no earned income on her 6 – 12 month reporting forms (PRC2), signed and dated February 28, 2023 and February 29, 2024, and on her Supplemental Nutrition Assistance Program (SNAP) and Medicaid/WV CHIP review form (CSLR), signed and dated August 31, 2023.

An IPV is defined by state and federal regulations as false or misleading statements, or misrepresented, concealed or withheld facts which are made in relation to acquiring SNAP benefits. An individual who is found to have committed an IPV is disqualified from participation in SNAP. The Movant bears the burden of proof to demonstrate by clear and convincing evidence that the Defendant committed an IPV.

The Movant verified that the Defendant had been receiving earned income continuously since January 21, 2022 through August 16, 2024, from employment with the [REDACTED]. The evidence revealed that the Defendant indicated on the February 28, 2023, February 29, 2024 PRC2 forms and the August 31, 2023 CSLR form she completed indicating that she had no earned income. These forms were all signed by the Defendant acknowledging that the statements were true. Based on the information the Defendant reported on these forms, she was issued SNAP benefits for which she was not entitled.

The Movant proved by clear and convincing evidence that the Defendant falsely reported she had no earned income on the PRC2s and CSLR forms she submitted as true to obtain SNAP benefits

for which she was not entitled. The Defendant's actions meet the definition of an IPV. This is the Defendant's first IPV.

CONCLUSIONS OF LAW

- 1) State and federal regulations define an Intentional Program Violation as false or misleading statements, or misrepresented, concealed or withheld facts which are made in relation to acquiring SNAP benefits.
- 2) An individual who is found to have committed an IPV is disqualified from participation in SNAP.
- 3) The evidence showed that the Defendant received earned income continuously since January 21, 2022 through August 16, 2024.
- 4) The Defendant falsely reported she had no earned income on her PRC2's signed and dated on February 28, 2023 and on February 29, 2024, and on her CSLR on August 31, 2023.
- 5) The Movant proved by clear and convincing evidence that the Defendant intentionally violated SNAP rules by falsely reporting she had no earned income to receive SNAP benefits for which she was not entitled.
- 6) As this is the Defendant's first IPV offense, a twelve month SNAP disqualification penalty must be imposed.

DECISION

The State Hearing Officer finds that the Defendant committed a first offense IPV. It is hereby **ORDERED** that a twelve month SNAP disqualification penalty be imposed, effective December 1, 2024.

ENTERED this 23rd day of October 2024.

Lori Woodward, Certified State Hearing Officer