



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
1027 N. Randolph Ave.  
Elkins, WV 26241

Earl Ray Tomblin  
Governor

Michael J. Lewis, M.D., Ph.D.  
Cabinet Secretary

February 10, 2011

-----  
-----  
-----

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held February 9, 2011. Your hearing request was based on the Department of Health and Human Resources' determination of your Supplemental Nutrition Assistance Program (SNAP) allotment.

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 Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

Eligibility for the SNAP is based on current policy and regulations. Some of these regulations state as follows: Countable income is determined by computing household income and subtracting all allowable deductions. Once countable income is determined, the coupon allotment is determined by finding the countable income and the number in the Assistance Group in West Virginia Income Maintenance Manual Chapter 10, Appendix C. (West Virginia Income Maintenance Manual Chapter 10.4C)

Information submitted at your hearing reveals that the Department correctly computed your SNAP allotment based on your income and allowable deductions.

It is the decision of the State Hearing Officer to **uphold** the Department's determination of your SNAP allotment.

Sincerely,

Pamela L. Hinzman  
State Hearing Officer  
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review  
Tera Pendleton, ESW, DHHR

**WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES  
BOARD OF REVIEW**

-----,

**Claimant,**

v.

**Action Number: 10-BOR-2401**

**West Virginia Department of  
Health and Human Resources,**

**Respondent.**

**DECISION OF STATE HEARING OFFICER**

**I. INTRODUCTION:**

This is a report of the State Hearing Officer resulting from a fair hearing for ----- . This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened telephonically on February 9, 2011 on a timely appeal filed December 1, 2010.

**II. PROGRAM PURPOSE:**

The purpose of the Supplemental Nutrition Assistance Program (SNAP) is to provide an effective means of utilizing the nation's abundance of food "to safeguard the health and well-being of the nation's population and raise levels of nutrition among low-income households." This is accomplished through the issuance of EBT benefits to households who meet the eligibility criteria established by the Food and Nutrition Service of the U.S. Department of Agriculture.

**III. PARTICIPANTS:**

-----, Claimant  
Tera Pendleton, Economic Service Worker, DHHR

Presiding at the hearing was Pamela L. Hinzman, State Hearing Officer and a member of the State Board of Review.

**IV. QUESTION TO BE DECIDED:**

The question to be decided is whether the Department correctly calculated the Claimant's SNAP allotment.

**V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual Chapter 10.4, B&C, and Chapter 10, Appendices A, B&C

**VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:**

**Department's Exhibits:**

- D-1 Case comments dated November 11, 2010 and November 22, 2010
- D-2 Employment income information
- D-3 Unearned income information
- D-4 Information concerning Claimant's shelter and utility expenses
- D-5 Notice of Decision dated November 23, 2010
- D-6 Food Stamp Allotment Determination
- D-7 West Virginia Income Maintenance Manual Chapter 10.4, C and Chapter 10, Appendix A

**VII. FINDINGS OF FACT:**

- 1) The Claimant completed an annual financial redetermination for his Supplemental Nutrition Assistance Program (SNAP) benefits on November 11, 2010.
- 2) The Department sent notification to the Claimant on November 23, 2010 (D-5) which states, in pertinent part:

Action: Your SNAP will decrease from \$198 to \$16 effective 01/01/11.

Reason: The Standard Deduction amount applied to the SNAP income has changed. Your income has increased. Earned income increased.

- 3) Tera Pendleton, Economic Service Worker with the Department, testified that the Department calculated the Claimant's gross earned income from [REDACTED] as \$1,115.21 per month (D-2) and his Social Security Disability income as \$696 per month (D-3). After allowable deductions were subtracted and net income was calculated, the Claimant's SNAP allotment was determined to be \$16 per month (D-6).

- 4) The Claimant did not dispute the income or shelter/utility costs counted by the Department (D-4), but testified that he had been employed by ██████ for the past three years and could not understand why his SNAP allotment decreased. Ms. Pendleton explained that the Department had not previously counted the Claimant's earned income from ██████. The Claimant stated that he would like to receive more SNAP benefits.
- 5) West Virginia Income Maintenance Manual Section 10.4 B lists income deductions and disregards for the SNAP. These deductions include the following:
  - Earned income disregard of 20 percent
  - Standard deduction of \$142 as noted in Chapter 10, Appendix B for one-person Assistance Group
  - Dependent care deduction
  - Child support deduction
  - Homeless shelter standard deduction
  - Medical expenses in excess of \$35 per month for elderly or disabled members of the Assistance Group
  - Shelter/utility deduction
- 6) West Virginia Income Maintenance Manual Section 10.4 C specifies that countable income for the SNAP is determined by computing household income and subtracting all allowable deductions based on the household circumstances. Once countable income is determined, the coupon allotment is determined by finding the countable income and the number in the Assistance Group in Chapter 10, Appendix C.

When at least one AG member is elderly, which is at least age 60, or disabled as specified in Section 12.15, B, eligibility is determined by comparing the countable income to the maximum net monthly income found in Appendix A. There is no gross income test.

- 7) West Virginia Income Maintenance Manual Chapter 10, Appendix C states that the coupon allotment for a one-person Assistance Group with a monthly countable income of \$1,341.97 is \$16 per month.

## VIII. CONCLUSIONS OF LAW:

- 1) West Virginia Income Maintenance Manual Chapter 10.4 B&C specifies that allowable deductions for the SNAP are as follows.
  - Earned income disregard of 20 percent
  - Standard deduction
  - Dependent care deduction
  - Child support deduction
  - Homeless shelter standard deduction
  - Medical expenses in excess of \$35 per month for elderly or disabled members of the Assistance Group
  - Shelter/utility deduction

- 2) The Department determined that the Claimant qualifies for the standard deduction, as well as deductions for his shelter/utility costs, bringing his net adjusted income to \$1,341.97 per month. Policy dictates that the corresponding monthly SNAP allotment for a one-person Assistance Group is \$16.
- 3) Based on information and testimony presented during the hearing, the Department correctly calculated the Claimant's SNAP allotment as specified in the November 23, 2010 notification.

**IX. DECISION:**

It is the decision of the State Hearing Officer to **uphold** the Department's SNAP allotment determination.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 10th Day of February, 2011.**

---

**Pamela L. Hinzman  
State Hearing Officer**