



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
2699 Park Avenue, Suite 100
Huntington, WV 25704

Earl Ray Tomblin
Governor

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

April 19, 2011

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held April 14, 2011. Your hearing request was based on the Department of Health and Human Resources' reduction of SNAP benefits due to a reduction in countable deductions.

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 SNAP is based on current policy and regulations. Some of these regulations state that certain items may be allowed as income deductions to arrive at an assistance group's countable income, and that the level of benefit is based on the countable income amount (West Virginia Income Maintenance Manual, Chapter 10.4.B; 10.1).

The information submitted at your hearing revealed that there was no dispute of the countable income that is the basis of your SNAP benefit level.

It is the decision of the State Hearing Officer to **uphold** the Department action to reduce your SNAP benefits.

Sincerely,

Todd Thornton
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Margie Woods, Department Representative

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

-----,

Claimant,

v.

Action Number: 11-BOR-684

**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 concluded on April 19, 2011, 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 on April 14, 2011, on a timely appeal, filed March 3, 2011.

II. PROGRAM PURPOSE:

The purpose of 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
Margie Woods, Department representative

All persons offering testimony were placed under oath.

Presiding at the Hearing was Todd Thornton, State Hearing Officer and a member of the State Board of Review.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether or not the Department was correct to reduce the Claimant's SNAP benefits.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual, Chapter 10.1; 10.2; 10.4

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Notification letter dated February 25, 2011
- D-2 Rent verification
- D-3 Medical expenses verification, Kroger Pharmacy, January 1, 2011 through February 14, 2011
- D-4 Medical expenses verification, Medicine Shoppe, full year 2010
- D-5 Medical expenses verification, Kroger Pharmacy, January 1, 2010 through June 30, 2010
- D-6 West Virginia Income Maintenance Manual, Chapter 10.4.B
- D-7 Hearing Summary

VII. FINDINGS OF FACT:

- 1) Margie Woods, representative for the Department, testified that the Claimant completed a review of eligibility for Supplemental Nutrition Assistance Program (SNAP) benefits on February 14, 2011. At this review, the Claimant reported a new rent amount of \$110.00 per month (Exhibit D-2). Subsequent to the review, the Claimant provided verification of her medical expenses; these were averaged by Ms. Woods to determine a monthly amount of \$28.40 (Exhibit D-3). On or about February 25, 2011, the Department mailed notification (Exhibit D-1) to the Claimant, advising her that her monthly benefit amount would be \$49.00, which, according to the testimony of both Ms. Woods and the Claimant, was a reduction from the previous benefit amount.
- 2) Ms. Woods testified that she suggested the Claimant submit verification of full-year medical expenses, but that when the verification (Exhibits D-4 and D-5) arrived, the amount averaged to a lower monthly amount. Ms. Woods left the deduction as the previous, \$28.40 amount.
- 3) The Claimant testified that she had no dispute of the income or deduction amounts Ms. Woods used to determine her SNAP benefit level. She was dissatisfied with the Department policy.

- 4) The West Virginia Income Maintenance Manual, Chapter 10.2, states, as follows, in pertinent part:

Income is defined as any and all monies received from any source.

The determination of countable income is necessary, because it is, generally, the countable income which is tested against maximum income limits.

The first step in determining countable income is to determine all the incoming monies to the AG and to those whose income is counted for or deemed to the AG.

Once all incoming monies have been identified, they are compared to the income exclusions listed in this Chapter, and, if applicable, the income from any excluded source is subtracted from the incoming monies.

After all income exclusions have been applied, some of the remaining incoming monies may qualify for certain disregards and deductions as outlined in the sections for each specific program.

- 5) At Chapter 10.1, the West Virginia Income Maintenance Manual defines countable income as follows:

COUNTABLE INCOME

The amount of income after all allowable exclusions, disregards and deductions have been applied. The level of benefit is based on this amount.

- 6) At Chapter 10.4.B, the West Virginia Income Maintenance Manual states, as follows, in pertinent part:

B. INCOME DISREGARDS AND DEDUCTIONS

Certain items may be allowed as income deductions to arrive at an AG's countable income. A deduction is allowed even if the payment is made from assets (EXCEPTION: educational expenses). The expense must be billed or be due during the certification period in which the deduction is claimed. In addition, deductions from the AG's income are applied only if the expense is obligated to be met by the AG's own resources. The AG's obligation must be to an individual not included in the AG to receive a deduction.

VIII. CONCLUSION OF LAW:

- 1) SNAP policy outlines a process for identifying and budgeting income sources and allowable deductions, and for deriving countable income from these amounts. Countable income is the basis of the SNAP benefit level. A reduction in the Claimant's allowable deductions for shelter and medical expenses resulted in the reduction of the Claimant's SNAP benefit level. There was no dispute of the income or deduction amounts. The Department was correct to reduce the Claimant's SNAP benefits.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the action of the Department to reduce SNAP benefits to the Claimant due to a change in countable income.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this _____ Day of April, 2011.

Todd Thornton
State Hearing Officer