



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL**

**Bill J. Crouch
Cabinet Secretary**

**Board of Review
State Capitol Complex
Building 6, Room 817-B
Charleston, West Virginia 25305
Telephone: (304) 352-0805 Fax: (304) 558-1992**

**Jolynn Marra
Inspector General**

January 27, 2022



RE: [REDACTED] v. WV DHHR
ACTION NO.: 22-BOR-1065

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 Human Resources. These same laws and regulations are used in all cases to assure 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,

Todd Thornton
State Hearing Officer
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision
Form IG-BR-29

cc: Erica Coplin, Department Representative

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

██████████,

Appellant,

v.

Action Number: 22-BOR-1065

**WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing was convened on January 27, 2022, on an appeal filed January 11, 2022.

The matter before the Hearing Officer arises from the November 19, 2021 decision by the Respondent to deny Emergency Assistance (EA) benefits.

At the hearing, the Respondent appeared by Erica Coplin. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

EXHIBITS

Department's Exhibit:

D-1 Notice of decision, dated November 19, 2021

Appellant'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 Appellant applied for Emergency Assistance (EA) benefits on November 18, 2021. (Exhibit D-1)
- 2) The Respondent advised the Appellant of the denial of her EA application by notice dated November 19, 2021. (Exhibit D-1)
- 3) This notice (Exhibit D-1) provided the reason for denial as “Income is more than the gross income limit for you to receive benefits.”
- 4) The notice (Exhibit D-1) listed the Appellant’s countable income as \$960 per month.
- 5) Ms. Coplin testified that the Appellant’s income sources at the time of application were: \$760 per month Social Security income; and, \$196.19 per month in the form of pension income.
- 6) The Appellant is a one-person household, or assistance group (AG).

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WVIMM) Chapter 20, §20.2.2.F.1, provides in part, “All countable gross income received by any member of the [assistance group], beginning with date of application and ending 29 days later, must be counted in determining eligibility for EA...total countable gross income of all members of the [assistance group] is compared to the Monthly Allowable Income Schedule in Appendix A.”

At §20.2.2.F.2, the WVIMM specifies income deductions for the EA program, and reads, in pertinent part, “The only income deductions permitted are for those persons who are self-employed.”

WVIMM, Chapter 20, Appendix A, lists the monthly income limit for an assistance group, or AG, of one (1) as \$814.

DISCUSSION

The Appellant has appealed the Respondent’s decision to deny Emergency Assistance (EA) benefits due to excessive gross income. The Respondent must show by a preponderance of the evidence that it correctly determined the Appellant’s gross household income in excess of the EA program limits.

There was no dispute of the income amounts provided by the Respondent during the hearing. The notice to the Appellant denying EA payment noted household income of \$960, in excess of the \$814 monthly limit for a one-person household. Testimony from the Respondent’s representative, Erica Coplin, itemized the income amounts (\$760 in Social Security income, and \$196.19 in other

pension income) which total \$956.19 per month, which also exceeds the \$814 limit. The two income sources for the Appellant do not include any form of self-employment income.

The sole argument of the Appellant was one of policy. The Appellant offered her opinion that deductions or disregards were, or should be considered in determining countable income for EA. The policy for EA states that gross income is counted and specifies only income deductions from self-employment income.

The countable gross income of the Appellant's household exceeded the applicable EA income limit, and the Respondent correctly denied EA payment on that basis.

CONCLUSION OF LAW

Because the countable gross income for the Appellant exceeded program limits, the Respondent was correct to deny her application for Emergency Assistance (EA) payment.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to deny Emergency Assistance (EA) payment to the Appellant due to excessive household income.

ENTERED this ____ Day of January 2022.

**Todd Thornton
State Hearing Officer**