



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
P. O. Box 2590  
Fairmont, WV 26555-2590

**Joe Manchin III**  
Governor

**Martha Yeager Walker**  
Secretary

June 22, 2005

Dear Mr. \_\_\_\_\_:

Attached is a copy of the findings of fact and conclusions of law on your hearing held June 21, 2005. Your hearing request was based on the Department of Health and Human Resources' action to deny your application for Emergency Financial Assistance (EA) and Food Stamp benefits.

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 Emergency Financial Assistance (EA) and Food Stamp benefits are based on current policy and regulations. The policy that governs the Emergency Assistance Program states that the countable income received by any member of the benefit group within the 30 day period of income consideration must be counted in determining eligibility for Emergency Assistance. The income limit for a 1 person household is \$355. Food Stamp Program regulations provide that an assistance group is not eligible to receive Food Stamp benefits if the total amount of countable assets exceed \$2000. (West Virginia Income Maintenance Manual ' 19.2 & Appendix A, and West Virginia Income Maintenance Manual ' 11.3 & 7 CFR 273.8 – Code of Federal Regulations)

Information submitted at the hearing revealed that you are not eligible to receive Emergency Financial Assistance as your self-employment income exceeds the maximum allowable income for the 30 day period of income consideration. In addition, the evidence submitted at the hearing reveals that you are not eligible to receive Food Stamp benefits as your assets exceed the maximum allowable asset limit.

It is the decision of the State Hearing Officer to **uphold** the action of the Agency in denying your application for Emergency Assistance and Food Stamp benefits.

Sincerely,

Thomas E. Arnett  
State Hearing Officer  
Member, State Board of Review

cc: Chairman, Board of Review  
Angela Hammonds, ESW, DHHR

**WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES  
SUMMARY AND DECISION OF THE STATE HEARING OFFICER**

## **I. INTRODUCTION:**

This is a report of the State Hearing Officer resulting from a fair hearing concluded on June 22, 2005 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 convened on June 21, 2005 on a timely appeal filed June 13, 2005.

It should be noted that benefits under the Emergency Assistance and Food Stamp Program have been denied.

All persons giving testimony were placed under oath.

## **II. PROGRAM PURPOSE:**

The program entitled Emergency Financial Assistance (EA) is set up by State Government and administered by the West Virginia Department of Health and Human Resources.

EA is used to assist individuals and families in meeting a financial crisis when they are without available resources. The program is designed to provide short term emergency financial assistance with which eligible individuals and families may obtain items and services needed to eliminate an emergency or crisis. Those who are in need of and qualify for EA may already be participating in an Economic or Social Services program.

## **III. PARTICIPANTS:**

\_\_\_\_\_, Claimant

Angela Hammonds, ESW, DHHR

Regan McGahan, ESW, observing

Presiding at the hearing was Thomas Arnett, 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 agency was correct in their action to deny the Claimant=s application for Emergency Financial Assistance and Food Stamp benefits.

## **V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual ' 11.3, 19.2 & Chapter 19 Appendix A (Income Chart).

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

- D-1 Notice of Decision dated 6/10/05.
- D-2 WVIMM 19.2.
- D-3 WVIMM 11.3.
- D-4(a) ES-17, self-employment income reporting form.
- D-4(b) Listing of assets provided by the Claimant.
- D-4(c) Correspondence from [REDACTED] dated 6/8/05.
- D-4(d) ES-6, Information/Verification request.

## **VII. FINDINGS OF FACTS:**

1. The Claimant completed an application for Emergency Financial Assistance, hereinafter EA, and Food Stamp benefits on June 7, 2005. At the conclusion of his interview, the Claimant issued an ES-6 (D-4d) requesting verification of self employment income, the status of a real estate transaction and the value of his camp in Romney.
2. The Claimant returned the requested information to the Department on June 9, 2005, and on June 10, 2005, a Notice of Decision was sent to the Claimant. The notice states in pertinent part: Your 6/7/05 application for Food Stamps has been denied. The amount of assets is more than is allowed for this benefit. Your Emergency Assistance application dated 6/7/05 for electric and water has been denied. Income is more than the gross income limit for you to receive benefits.
3. Exhibit D-4(a) reveals that the Claimant's reported self-employment income is \$405.00 per month.
4. Exhibit D4(b) is a list of the Claimant's assets. The Department contends that the assets owned by the Claimant are valued at \$12,000.
5. The Claimant testified that he provided the information contained in exhibits D-4(a), D-4(b) and D-4(c) and that the information regarding his income and assets is accurate.
6. Policy found in the West Virginia Income Maintenance Manual ' 19.2,5(a), (exhibit D-2) provides that the worker must determine availability of income to the applicant and any other member of the household who is a member of the benefit group. All countable income received by any member of the benefit group within the 30 day period of income consideration must be counted in determining eligibility for Emergency Assistance. The total countable income of all members of the benefit group must be compared to the income schedule. Only countable income to be received by members of the benefit beginning with date of application and ending 29 days later will be applied to the Monthly Allowable Income Schedule.
7. Evidence included in Exhibit D-2, Income Chart for Emergency Financial Assistance, reveals that the maximum countable income limit for a benefit group of 1 is \$355.00.
8. West Virginia Income Maintenance Manual § 11.3 provides that the maximum allowable asset limit for the Food Stamp Program is \$2000.

### **VIII. CONCLUSIONS OF LAW:**

Testimony received at the hearing indicates that the evidence submitted to verify the Claimant's income and assets was accurate. Whereas the Claimant's self-employment income of \$405 per month exceeds the maximum allowable income limit for Emergency Financial Assistance (\$355 for an assistance group of one), and the Claimant's assets (\$12,000) clearly exceed the maximum allowable asset limit (\$2,000) for participation in the Food Stamp Program, it is the decision of the State Hearing Officer to uphold the Departments decision to deny the Claimant's application for Emergency Financial Assistance and Food Stamp benefits.

### **IX. DECISION:**

It is the decision of the State Hearing Officer to **uphold** the action of the Agency in denying your application for Emergency Assistance and Food Stamp benefits.

### **X. RIGHT OF APPEAL:**

See Attachment

### **XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

IG-BR-29