



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

Bill J. Crouch
Cabinet Secretary

BOARD OF REVIEW
4190 Washington Street, West
Charleston, West Virginia 25313
304-746-2360
Fax – 304-558-0851

Jolynn Marra
Interim Inspector General

December 10, 2020

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NOs.:20-BOR-2239 & 20-BOR-2240

Dear Mrs. [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,

Danielle C. Jarrett
State Hearing Officer
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision
Form IG-BR-29
cc: Tera Pendleton, Department Representative

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

[REDACTED],

Appellant,

vs.

**Action Numbers: 20-BOR-2239 (SCA) &
20-BOR-2240 (SNAP)**

**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 [REDACTED]. 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 November 13, 2020, on an appeal filed September 23, 2020.

The matter before the Hearing Officer arises from the Respondent's September 18, 2020 decision by the Respondent to reduce the Appellant's Supplemental Nutritional Assistance Program (SNAP) benefit allotment and to deny the application for School Clothing Allowance (SCA).

At the hearing, the Respondent appeared by Tera Pendleton, Economic Service Worker, WVDHHR. The Appellant appeared *pro se*. Both witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 eRAPIDS computer system screenshot printout of Case Comments, dated August 16, 2019 through September 28, 2020
- D-2 Supplemental Nutrition Assistance Program (SNAP) 6- or 12-Month Contact Form (PRC2), dated July 20, 2020
- D-3 eRAPIDS computer system screenshot printout of Household Members, dated November 28, 2018
- D-4 Notice of Verification Checklist, dated August 18, 2020
- D-5 Notice of Decision, dated September 1, 2020
- D-6 Notice of Verification Checklist - page 3 of 6, dated August 18, 2020; Copy of [REDACTED] Employment paystubs for [REDACTED]; Copy of [REDACTED] Employment Pay Period Details; and State of West Virginia Employment paystubs for [REDACTED]

- D-7 eRAPIDS computer system screenshot printout of Employment Income for [REDACTED], dated September 24, 2020; eRAPIDS computer system screenshot printout of Unearned Income for [REDACTED] and [REDACTED], dated September 8, 2020
- D-8 Notice of Decision, dated September 9, 2020
- D-9 eRAPIDS computer system screenshot printout of SNAP Budget, dated September 8, 2020; and eRAPIDS computer system screenshot printout of SNAP Budget, dated February 11, 2020
- D-10 West Virginia School Clothing Allowance (WVSCA) Application, dated September 11, 2020
- D-11 Notice of Decision for SCA, dated September 17, 2020
- D-12 eRAPIDS computer system screenshot printout of SCA Budget, dated September 16, 2020
- D-13 West Virginia Income Maintenance Manual (WV IMM) Chapter 4: Appendix A: Income Limits
- D-14 Notice of Decision, dated September 17, 2020

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 is a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits for an Assistance Group (AG) of five (5).
- 2) On August 3, 2020, the Appellant submitted her SNAP 6 to 12 Month Contact Form (PRC2) to the Respondent and reported she had unearned income of child support in the amount of \$109.62 and a child support obligation in the amount of \$300 per month. (Exhibit D-2)
- 3) On August 17, 2020, the Respondent processed the Appellant's PRC2 and pended the Appellant's SNAP benefits for verification of her household income. (Exhibit D-1)
- 4) On August 18, 2020, the Respondent issued notice of verification to the Appellant requesting her to submit proof of her and her husband's, [REDACTED], employment hire dates and gross earned income. The notice further advised verification was due on or before August 27, 2020. (Exhibit D-4)
- 5) The Appellant failed to submit the requested income verification for herself and her husband by the August 27, 2020 due date. (Exhibit D-1)

- 6) On September 1, 2020, the Respondent issued a notice of decision advising the Appellant that her SNAP benefits would terminate effective October 1, 2020, for failure to provide all information needed. The notice further indicated the Appellant failed to provide proof of her and her husband's hire dates and proof of gross earned income. (Exhibit D-5)
- 7) On September 2, 2020, the Appellant submitted her husband's employment paystub for August 7, 2020, in the amount of \$893.37 and his August 21, 2020 paystub in the amount of \$516.24, totaling a gross average amount of \$1,515.33 per month. (Exhibits D-6 and D-7)
- 8) On September 2, 2020, the Appellant also submitted her employment paystub for August 14, 2020, in the amount of \$983.09 and her August 28, 2020 paystub in the amount of \$983.10, totaling a gross average amount of \$2,113.65 per month. (Exhibits D-6 and D-7)
- 9) The Appellant receives unearned income in the amount of \$259.62 per month (\$150 child support (+) \$109.62 child support arrears).
- 10) The Appellant's child support income in the amount of \$150.00 was not used in determining the Appellant's SNAP allotment prior to October 1, 2020.
- 11) On September 9, 2020, the Respondent issued a notice of decision to the Appellant advising that her monthly SNAP benefit allotment would reduce, effective October 1, 2020, due to an increase in household income. (Exhibit D-8)
- 12) The Appellant's total monthly household income is \$3,888.60 per month.
- 13) The Appellant is entitled to an earned income deduction of 20% (\$725.79) and \$212 standard deduction for an AG of 5. (Exhibits D-8 and D-9)
- 14) The Appellant's husband is responsible for a child support payment in the amount of \$300 per month.
- 15) The Appellant is responsible for shelter expenses totaling \$500 per month. (Exhibit D-9)
- 16) The Appellant is responsible for home heating and cooling expenses (\$428). (Exhibit D-9)
- 17) The Appellant's Net Adjusted Income, after applicable deductions is \$2,650.80.
- 18) On September 17 and September 18, 2020, the Respondent issued notices to the Appellant advising that her SNAP benefits would decrease from \$646 to \$56 effective October 1, 2020. The notice indicated the reason for the SNAP reduction was because the Appellant's household had an increase in earned income.
- 19) On September 11, 2020, the Appellant submitted an application for School Clothing Allowance (SCA). (Exhibit D-10)

20) On September 16, 2020, the Respondent processed the Appellant's application for SCA benefits and issued a notice of denial advising the Appellant that her household did not meet eligibility requirements for this assistance due to excessive income. (Exhibit D-11)

21) The SCA income limit for an AG of five (5) is \$2,577.00. (Exhibits D-12 and D-13)

APPLICABLE POLICY

WV IMM § 1.2.3.A explains it is the worker's responsibility to obtain all pertinent, necessary information through verification, when appropriate.

WV IMM § 1.2.5 explains at the intake interview the worker is responsible for providing the applicant with a list of verification needed to determine eligibility, using form DFA-6 or the verification checklist. He must also be told the penalty for failure to provide the verifications and what he must do if he finds he cannot obtain it by the deadline.

WV IMM § 1.4.1.A Failure to Provide Requested Verifications provides in part:

If an applicant AG fails to provide the verifications requested on the DFA-6 or verification checklist within the specified time limit and the application is denied, the AG must be given an opportunity to have its eligibility established for up to 60 days from the date of application without completion of a new form.

If the client brings in the verifications before the 60-day period has expired, the Worker determines the AG's eligibility based on the original application, noting in Case Comments any changes which have occurred since the form was completed. If the application is approved, SNAP benefits are not retroactive to the date of application because the approval delay was the fault of the client. Benefits are issued from the date the client provides the verification. The Worker provides benefits using information reported during the original application and any other pertinent information provided prior to approval.

WV IMM § 1.4.8 reads additional information requested from the applicant is due ten (10) calendar days from the date of the DFA-6 or verification checklist.

WV IMM § 1.4.17.C explains that Categorical Eligibility may be determined at any time as long as the eligibility requirements are met.

WV IMM § 1.4.17.C.1 explains when an AG has at least one member who is authorized to receive benefits from Temporary Aid for Needy Families (TANF) funded programs or is authorized to receive information and referral services about TANF and other department programs, the AG is categorically eligible. Authorized to receive means the AG is coded in the eligibility system as active for a benefit whether they are receiving it or not. Those authorized to receive include

individuals who have been determined eligible for benefits and notified of the determination, even if benefits have not been received or accessed or the benefits have been suspended, recouped or not paid because they are less than a minimum amount or they have not yet received the information or referral. SCA is a TANF funded program until the voucher expiration date.

WV IMM § 1.4.17.C.3 reads once it is determined that an AG qualified for Categorical Eligibility the following eligibility requirements are presumed to be met: Asset limit; gross income limit, when applicable; the net income limit; sponsored non-citizen information; residency; and Social Security Number (SSN) information. NOTE: While categorically eligible AGs are presumed to meet both income limits, those with more than two members are not automatically eligible for SNAP. The monthly net income of an AG must be eligible for an issuance based on Chapter 4, Appendix C.2. Categorically eligible AGs containing one or two individuals automatically receives the minimum benefit unless it is a prorated benefit.

WV IMM § 4.4.1 Budgeting Method provides in part:

Eligibility is determined and benefits are issued on a monthly basis; therefore, it is necessary to determine a monthly amount of income to count for the eligibility period. The following information applies to earned and unearned income.

For all cases, the Worker must determine the amount of income that can be reasonably anticipated for the AG. Income is projected; past income is used only when it reflects the income the client reasonably expects to receive during the certification period. There is one exception, which requires use of actual income instead of conversion or proration.

When the amount of an anticipated income source is determined by use of an income tax return, it is not necessary to change the method by which that income source is anticipated at each redetermination prior to the next tax return, unless the anticipated income from that source for the upcoming certification period is expected to change.

WV IMM § 4.4.1.A Methods for Reasonably Anticipating Income provides in part:

There are two methods for reasonably anticipating the income the client expects to receive. One method uses past income and the other method uses future income. Both methods may be used for the same AG for the same certification period. The method used depends on the circumstances of each source of income.

Use past income only when both of the following conditions exit for a source of income:

- Income from the source is expected to continue into the certification period; and
- The amount of income from the same source is expected to be more or less the same. For these purposes, the same source of earned income means

income from the same employer, not just the continued receipt of earned income.

WV IMM § 4.4.1.B Consideration of Past Income provides in part:

The Worker must consider information about the client's income sources before deciding which income to use. The Worker must follow the steps below for each old income source.

Step 1: Determine the amount of income received by all persons in the Income Group (IG) in a 30 calendar days prior to the application/redetermination date, or interview date when the interview is completed on a different day than when the application is received.

The appropriate time period is determined by counting back 30 days beginning with the calendar day prior to the date of application/redetermination. However, if the interview is completed on a different day than when the date the application/redetermination is received, the 30-day look-back period could begin the day before the interview date. The income from this 30-day period is the minimum amount of income that must be considered. When, in the Worker's judgment, future income may be more reasonably anticipated by considering the income from a longer period of time, the Worker considers income for the time period he determines to be reasonable. Whether the Worker considers income from the prior 30 days, or from a longer period of time, all of the income received from that source during that time period must be considered. All pay periods during the appropriate time period must be considered and must be consecutive.

If the client provided sufficient income verification on the date the application/redetermination is received, then additional verification is not required at interview.

The year-to-date amounts on check stubs may only be used when the client has verification of all payment amounts whether used or not but is missing one.

Step 2: Determine if the income from the previous 30 days is reasonable expected to continue into the new certification period. If it is expected to continue, determine if the amount is reasonably expected to be more or less the same. If so, the income source is used for the new certification period.

Step 3: Record the results from Step 2, including the amount of income, why the source is or is not being considered for the new certification period, the client's statement about continuation of the income from this source, the time period used, and if more than the previous 30 days, the reason additional income was considered.

WV IMM § 4.4.1.D reads conversion of income to a monthly amount is accomplished by multiplying an actual or average amount as follows: weekly amount x 4.3; bi-weekly amount (every two weeks) x 2.15; and semi-monthly amount (twice/monthly) x 2.

WV IMM § 4.4.2 Income Disregards and Deductions provides in part:

Certain items may be allowed as income deductions to arrive at an AG's countable income (even if the payment is not made from assets). To receive a deduction, the expense must:

- Not be an educational expense;
- Be billed or be due during the certification period in which the deduction is claimed;
- Be obligated to be met by the AG's own resources; and
- Be owed to an individual not included in the AG to receive a deduction.

WV IMM § 4.4.2.B.1 explains that 20% of gross countable earned income, is a disregard. This disregard is applied to the combined earnings of all members of the AG and to those persons whose income is counted or deemed. It is intended to cover those expenses incidental to employment or training, such as transportation, meals away from home, special clothing, and payroll deductions.

WV IMM § 4.4.2.B.2 reads that a standard deduction is applied to the total non-excluded income counted for the AG, after application of the Earned Income Disregard. The amount of the Standard Deduction is found in Appendix B. Chapter 4, Appendix B lists the standard deductions applicable to the Appellant for an Assistance Group of five (5) is \$212.

WV IMM § 4.4.2.B.4 explains a deduction is allowed for legally obligated child support actually by an AG member or disqualified individual to an individual not residing in the same household. A deduction is allowed based only on payments actually made, not the legally obligated amount, and may not exceed the legal obligation.

WV IMM § 4.4.2.B.7 explains that after all other exclusions, disregards, and deductions have been applied, 50% of the remaining income is compared to the total monthly shelter costs and the appropriate Standard Utility Allowance (SUA). If the shelter costs/SUA exceed 50% of the remaining income, the amount in excess of 50% is deducted. The deduction cannot exceed the shelter/utility cap found in Appendix B. Exception: The cap on the shelter/utility deduction does not apply when the SNAP AG includes an individual who is elderly or disabled, as defined in Section 13.15.

WV IMM § 4.4.2.C reads that rent, mortgage payments, interest on mortgage payments, and condominium and association fees are considered shelter expenses.

WV IMM § 4.4.2.C.1 explains that SUAs are fixed deductions that are adjusted yearly to allow for fluctuations in utility expenses. These deductions are the Heating/Cooling Standards (HCS), the Non-Heating/Cooling Standard (NHCS), and the One Utility Standard (OUS). The current SUA amounts are found in Appendix B (HCS = \$428, NHCS = \$281, and OUS = \$76). AGs that are not obligated to pay any utility expense are ineligible for the SUA. Eligibility for the SUA must be evaluated at certification, redetermination, and when the AG reports a change in utilities that may affect its eligibility for a deduction. To be eligible for the HCS, the AG must be obligated to pay a heating and cooling expense that is billed on a regular basis.

WV IMM § 4.4.3 reads that when at least one AG member is elderly, which is at least age 60, or disabled, eligibility is determined by comparing the countable income to the maximum net monthly income found in Appendix A. There is no gross income test. To determine the SNAP allotment, find the countable income and the number in the AG in Appendix C, Basis of Issuance.

The following steps are determined countable income for cases meeting the eligibility test above.

- Step 1: Combine monthly gross countable earnings and monthly gross profit from self-employment
- Step 2: Deduct 20% of Step 1
- Step 3: Add the gross countable unearned income
- Step 4: Subtract the Standard Deduction (\$212)
- Step 5: Subtract allowable Dependent Care Expenses
- Step 6: Subtract the amount of legally obligated child support actually paid
- Step 7: Subtract the Homeless Shelter Deduction found in Appendix B
- Step 8: Subtract allowable medical expenses in excess of \$35
- Step 9: Calculate 50% of the remaining income and compare it to the actual monthly, shelter/SUA amount (\$928)
- Step 10: If the shelter/SUA costs are equal to or less than the amount found in step 9, no further computation is needed, the amount from step 8 is countable income. If the shelter/SUA costs are greater than step 9, the amount in excess of 50% is deducted to arrive at the countable income. Elderly/Disabled households are not subject to the shelter/utility cap.
- Step 11: Compare the countable income to the maximum net income in Appendix A for the AG size five (5).

To determine the SNAP allotment, find the countable income and the number in the AG in Appendix C, Basis of Issuance.

WV IMM § 6.2.1.A State Data Exchange: Wage Information provides in part:

Wage information is available around the fifth working day of each quarter for the previous quarter. Information received includes:

- Employer name and address;
- Dates of employment; and
- Wages for individuals whose actual earnings are \$255 or greater per quarter than the income used for the AG for the same quarter.

This information is not considered verified upon receipt for SNAP and is subject to independent verification for all programs.

WV IMM § 10.4.2.D Interim Contact Reports provides in part:

All SNAP AGs certified for 12 or 24 months must have a report completed in the mid-month of eligibility (the sixth month for 12-month certification periods, the twelfth month for 24-month certification periods). This report differs from a full-scale redetermination as follows:

- The contact report may be completed by mail.
- No interview is conducted unless the client requests one.

The eligibility system automatically mails an Interim Contact Form (PRC2) to the AGs for the mid-month of eligibility. Failure to return the completed PRC2 results in case closure. Changes reported on the PRC2 are treated as changes reported during the certification period, not as changes reported during the completion of a redetermination.

When the completed PRC2 is returned late but is returned by the last day of the mid-month of eligibility, no new application is required.

When a SNAP AG is closed for failure to complete the PRC2, a new application is not required when the form is returned by:

- The last day of the 13th month for households certified for 24 months
- The last day of the 8th month for households certified for 12 months

Benefits are prorated from the date the PRC2 is received. If the PRC2 is not returned, a new application must be completed.

WV IMM § 10.6.2 reads clients must report all changes in circumstances such as, but not limited to, income, assets, household composition, and change of address. The client must report changes as soon as possible after he comes aware of them.

WV IMM § 19.3.1 Application Process provides in part:

An application for SCA, form DFA-WVSC-1, is mailed to families with school-age children who received SCA in the previous program year and who are included in an active Supplemental Nutrition Assistance Program (SNAP) or Medicaid assistance group (AG) in June of the current program year. Active SNAP AGs who have indicated they want to be evaluated for automatic issuance of SCA if determined eligible by the deadline for the current program year will not be mailed SCA application forms and will be included in the automatic issuance.

WV IMM § 19.3.1.H explains that an explanation of Categorical Eligibility for SNAP benefits must include that, if approved for WVSCA, the AG is Categorically Eligible until

the voucher expiration date.

WV IMM § 19.3.2.B reads the eligibility system automatically issues a denial notice.

WV IMM § 19.4.5 explains that no deductions or disregards are applied for SCA. For SCA, income eligibility is based only on the month of July, the program month. When income has been previously verified within the last two months, additional income verification is not required. If appropriate, income must be updated in the eligibility system. If the gross non-excluded income is equal to or greater than 100 % of the federal poverty level (FPL), the family is ineligible for WVSCA.

Division of Family Assistance (DFA) SCA Benefit Desk Guide explains the SCA season for 2020 is September 1st through September 30th. This is due to the COVID-19 pandemic. Due to SCA benefits being issued directly to the Primary Person's EBT Cash Account, there will not be a need for voucher functions to replace, release, or reissue SCA vouchers. However, the Auxiliary Voucher Request screen will be used to request auxiliary SCA payments (no SCA voucher will be issued). Upon submission a Supervisor will need to take appropriate action on the auxiliary request. Upon approval the SCA benefit will be available in EBT accounts after nightly batch and will appear as Cash (CA) benefits with \$200 issued per each eligible child.

DISCUSSION

The Supplemental Nutrition Assistance Program is governed by the U.S. Department of Agriculture Food Nutrition Services (USDA FNS). The USDA FNS determines the guidelines for States to use for budgeting purposes, including, but not limited to, allowable deduction amounts and maximum SNAP issuance amounts. Monthly SNAP allotments are determined by an individual's countable income, after all allowable deductions have been applied. The Appellant contested the Respondent's determination of her SNAP benefit allotment effective October 1, 2020.

The Respondent testified that on January 6, 2020, a Department worker failed to act on an employment State Wage Data Exchange alert in the eRAPIDS computer eligibility system for the Appellant and her husband. The Respondent further testified on February 11, 2020, the Appellant reported employment income for her husband, but the Department worker failed to pend the Appellant's SNAP eligibility for verification of his employment hire date and gross earned income. Policy explains State Data Exchange wage information is not considered verified upon receipt and is subject to independent verification for all programs.

On August 3, 2020, the Appellant submitted her PRC2 form to the Respondent and reported she had unearned income of child support in the amount of \$109.62 and a child support obligation in the amount of \$300 per month. The Respondent testified the Appellant failed to report her actual child support income. The Respondent testified the \$109.62 the Appellant receives for child support is for child support arrears. The Respondent further testified the Appellant receives unearned income in the amount of \$259.62 per month (\$150 child support (+) \$109.62 child support arrears). The Respondent testified the Appellant's child support income in the amount of

\$150.00 was not used in determining the Appellant's SNAP allotment prior to October 1, 2020. The Appellant did not contest the Respondent's calculation of her child support income.

On August 17, 2020, the Respondent processed the Appellant's PRC2 and pended the Appellant's SNAP benefits for verification of her household income. Policy explains it is the worker's responsibility to obtain all pertinent, necessary information through verification, when appropriate. On August 18, 2020, the Respondent issued notice of verification to the Appellant advising her to submit proof of the hire date and gross earned income for herself and her husband. The notice further advised verification was due on or before August 27, 2020, or her SNAP benefits would be terminated. Policy explains the worker is responsible for providing the applicant with a list of verifications needed to determine eligibility, using form DFA-6 or the verification checklist. The Appellant must also be told the penalty for failure to provide the verifications and what she must do if she finds she cannot obtain it by the deadline.

The Appellant failed to submit the requested household employment information by the established due date. On September 1, 2020, the Respondent issued a notice of decision advising the Appellant that her SNAP benefits would terminate effective October 1, 2020, for failure to provide all information needed.

On September 2, 2020, the Appellant submitted her husband's employment paystub for August 7, 2020, in the amount of \$893.37 and his August 21, 2020 paystub in the amount of \$516.24, totaling a gross average income in the amount of \$1,515.33 per month. The Appellant also submitted her employment paystub for August 14, 2020, in the amount of \$983.09 and her August 28, 2020 paystub in the amount of \$983.10, totaling an average amount of \$2,113.65 per month.

The Appellant's SNAP allotment calculation are as follows: \$3,628.98 total earned income minus an earned income deduction in the amount of 20% equals \$2,903.18. The Appellant receives \$259.62 in unearned income, which equals a total monthly income of \$3,162.80. The Appellant is entitled to a standard deduction in the amount of \$212, and a child support payment deduction in the amount of \$300, which equals \$2,650.80. The total shelter and SUA amount of \$928 (\$500 shelter cost plus \$428 HCS) is compared to 50% of the remaining income (\$2,650.80 divided by two equals \$1,325.40). Because the total shelter/SUA costs for the Appellant do not exceed 50% of the household's remaining income, the AG is not entitled to the shelter/SUA deduction. The Appellant's net adjusted income for SNAP is \$2,650.80.

On September 9 and September 17, 2020, the Respondent issued notices to the Appellant advising that her SNAP benefits would decrease from \$646 to \$56 effective October 1, 2020. The notice indicated the reason for the SNAP reduction was because the Appellant's household had an increase in earned income.

However, the Respondent's notice was incorrect in that the calculations failed to include countable unearned income in the amount of \$150. With the inclusion of the countable income, the Appellant's total household income, with the applicable deductions is in excess of the SNAP income limits.

The Division of Family Assistance (DFA) Policy Unit manages the SCA program that provides clothing vouchers for eligible families to be used to purchase clothing for their school-aged children. The application process is typically open from July 1 to July 31. Because of COVID-19, the SCA season for 2020 ran from September 1, 2020 through September 30, 2020. SCA eligibility is based on total income received in the month of September 2020.

On September 11, 2020, the Appellant submitted her application for School Clothing Allowance (SCA). On September 16, 2020, the Respondent processed the Appellant's application for SCA benefit and issued a notice of denial advising the Appellant that her household did not meet eligibility requirements for this assistance due excessive income. The SCA income limit for an AG of five (5) is \$2,577.00. Policy explains that no deductions or disregards are applied for SCA. For SCA, if the gross non-excluded income is equal to or greater than 100 % of the FPL, the Appellant's family is ineligible for SCA. The Appellant's monthly income for the month of September was \$3,888.60, which is over the income limit for SCA benefits.

At the hearing, the Appellant argued that her household monthly income amount decreased and contended that she should receive additional SNAP benefits because her new allotment is not enough to sustain her household. However, the Supplemental Nutrition Assistance Program is only meant to supplement the nutritional needs of participants and there are no exceptions in policy to allow for additional benefits in this case. The Appellant argued that because of COVID-19 her husband is not guaranteed hours of employment. The Appellant further argued one of her husband's paystubs was for \$188. However, an income summary of all pays received by the Appellant's husband from February 21, 2020 through November 13, 2020, showed no pay in the amount of \$188. Although some fluctuations in income were documented, a review of all pays received from February 21, 2020 through November 13, 2020, showed the Appellant's husband received an average bi-weekly pay of \$1,066.50, or \$2,292.97 per month for the aforementioned time period.

The Appellant insisted that she tried to contact the Department multiple times to report her household income. This Hearing Officer found the Appellant's testimony unconvincing in light of the fact she failed to include her household income on her PRC2 and SCA application.

CONCLUSIONS OF LAW

- 1) Monthly SNAP allotments are determined by the countable income of the AG, after all allowable deductions have been applied.
- 2) The Appellant's AG has a total gross income of \$3,888.60 per month.
- 3) The Appellant is entitled to receive a child support obligation deduction in the amount of \$300 per month.
- 4) The Appellant is entitled to receive earned income, standard, and child support obligation deductions, resulting in a net adjusted income of \$2,650.80, which is in excess of policy limits for SNAP assistance.

- 5) The Respondent incorrectly calculated the Appellant's monthly SNAP allotment.
- 6) SCA is determined by the countable income of the AG, after all allowable deductions have been applied.
- 7) Because the SCA income limit for an AG of five (5) is \$2,577.00, the Appellant is not eligible for SCA benefits.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's denial of the Appellant's SCA application due to excessive income.

It is further the decision of the State Hearing Officer to **REVERSE** the Respondent's determination of the Respondent's monthly SNAP allotment. It is further **ORDERED** that this matter is **REMANDED** to the Department for re-calculation of SNAP eligibility with the inclusion of the omitted unearned income, subject to proper notice of SNAP benefits.

ENTERED this _____ day of December 2020.

Danielle C. Jarrett
State Hearing Officer