



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

Bill J. Crouch
Cabinet Secretary

BOARD OF REVIEW
Raleigh District DHHR
407 Neville Street
Beckley, WV 25801

M. Katherine Lawson
Inspector General

August 22, 2018

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.:18-BOR-2096/18-BOR-2097

Dear Ms. [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,

Kristi Logan
State Hearing Officer
Member, State Board of Review

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

cc: Leslie Bonds, [REDACTED] County DHHR

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BOARD OF REVIEW

[REDACTED],

Appellant,

v.

Action Number: 18-BOR-2096 SNAP
18-BOR-2097 MED

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 August 14, 2018.

The matter before the Hearing Officer arises from the July 26, 2018, decision by the Respondent to terminate the Appellant's Qualified Individual (QI-1) benefits and the Respondent's determination of the Appellant's monthly Supplemental Nutrition Assistance Program (SNAP) allotment.

At the hearing, the Respondent appeared by Leslie Bonds, Economic Service Supervisor. The appeared *pro se*. Appearing as witnesses was [REDACTED], the Appellant's sister. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Request Notification Form
- D-2 Notice of QI-1 Termination dated July 25, 2018
- D-3 Notice of SSI-Related Medicaid Denial dated July 25, 2018
- D-4 SNAP and Medicaid Review Form received February 20, 2018
- D-5 Printout from [REDACTED]
- D-6 SNAP Budget Screen Print
- D-7 West Virginia Income Maintenance Manual §7
- D-8 Verification Checklist dated July 12, 2018
- D-9 West Virginia Income Maintenance Manual §23.12.3

D-10 Department's Summary

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 was a recipient of QI-1 and SNAP benefits.
- 2) The Appellant completed a SNAP eligibility review in March 2018 and was approved for a monthly allotment of \$15 (Exhibit D-6).
- 3) The Appellant applied for SSI-Related Medicaid in July 2018.
- 4) The Respondent requested verification of the Appellant's bank account on July 12, 2018 (Exhibit D-8).
- 5) The SSI-Related Medicaid application was denied on July 25, 2018, when verification of the Appellant's bank account had not been received by the established due date (Exhibit D-3).
- 6) The Appellant's QI-1 benefits were terminated effective July 31, 2018, due to non-verification of her bank account (Exhibit D-2).
- 7) The Appellant requested a hearing on July 26, 2018, over the termination of QI-1 benefits and the determination of her monthly SNAP allotment.
- 8) Subsequent to the request for hearing, the Appellant submitted verification of her bank account and QI-1 benefits were reinstated with no lapse in coverage.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §4.4.2 states certain items may be allowed as income deductions to arrive at an assistance group's (AG's) countable income for SNAP, (even if the payment is 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.

When a client fails to report household expenses that would normally result in a deduction, the AG loses their entitlement to that deduction. They have a right to the expense, once it is reported and

verified, if required by policy. In addition, any SNAP AG may choose to have fluctuating expenses averaged, except for educational expenses. Expenses are averaged by dividing the expenses over the number of months they are intended to cover. When expenses are prorated, they are prorated over the certification period, or the remainder of the certification period, as appropriate. Expenses regularly billed as a single monthly payment, and that are used as a deduction, are used in the month the expense is intended to cover. An expense does not have to be paid to be a deduction.

West Virginia Income Maintenance Manual §4.4.2.B.6 states medical expenses in excess of \$35 must be allowed as a medical deduction for AG members who are elderly, which is at least age 60, or disabled. Once the medical expenses of all such AG members have been totaled, the amount of the total in excess of \$35 is used as a medical deduction. Thirty-five dollars (\$35) is deducted from the total amount of expenses for the AG, not \$35 from each person's expenses. There is no maximum dollar limit for a medical deduction.

West Virginia Income Maintenance Manual §4.4.3 states when no AG member is elderly or disabled, the gross income must be equal to, or less than, the gross income limit in Appendix A. If so, the AG qualifies for the disregards and deductions. If the gross income exceeds the amount in Appendix A, the AG is ineligible. 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.

The following steps are used to determine countable income for SNAP for cases meeting the eligibility tests 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 (\$160)
- 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 Standard 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. The Heating/Cooling SUA is \$462.
- 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 the 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.

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

DISCUSSION

The Appellant's QI-1 benefits were reinstated with no lapse in coverage, therefore, the termination of QI-1 is now a moot issue.

Pursuant to policy, monthly SNAP allotments are determined by an individual's countable income, after all allowable deductions have been applied.

The Appellant and her witness did not contest the amount of income that was used to determine the Appellant's SNAP allotment, and testified that the Appellant pays rent \$137 a month, and pays for her home heating costs. The Appellant submitted a printout of her prescription costs for January 1, 2017 through March 6, 2018, with her March 2018 SNAP review. The Respondent used the total amount the Appellant paid of \$559.17 and divided this amount by the 14-month period the expenses were paid for an estimated monthly cost \$39.94.

The Appellant's witness testified that after the Appellant pays her shelter and utility expenses, car payment, credit cards and medical expenses each month, there is no money left over to purchase food. The Appellant reported recurring co-pays for doctors' visits, however, no verification of these expenses was provided.

Policy allows specific expenses as deductions to determine an individual's countable net income. Car payments and credit card payments are not allowable deductions.

To arrive at the Appellant's countable net income, the following steps are outlined in policy: \$1,237 gross unearned income, minus the standard deduction of \$160 equals \$1,077 minus \$4.94 monthly medical expenses in excess of \$35 (\$39.94 minus \$35) equals \$1,072.06. To determine if the Appellant is eligible for a shelter/utility deduction, 50% percent of the remaining income (\$1,072.06 divided by 2) is compared to the actual shelter and utility expenses. The Appellant pays \$137 in rent is allowed \$462 as a utility deduction for the Heating/Cooling Standard allowance, for a total of \$599 in actual shelter/utility expenses. Because the Appellant's shelter/utility expenses exceed 50% of her remaining income (\$536.03) she is entitled to receive a shelter/utility deduction of the difference between the two amounts (\$599 minus \$536.03) of \$62.97. The remaining income after the standard deduction and medical deduction are applied of \$1,072.06 minus the excess shelter/utility deduction of \$62.97 equals \$1,009.09 countable net income. The countable net income is compared to the Basis of Issuance chart in policy for a one-person assistance, which shows the Appellant is entitled to a \$15 monthly SNAP allotment.

CONCLUSIONS OF LAW

- 1) Monthly SNAP allotments are determined by an individual's countable income, after all allowable deductions have been applied.
- 2) The Appellant's monthly countable income, after applying the income deductions found in policy, is \$1,009.09.

- 3) The Appellant's countable monthly income is compared to the issuance chart for the size of her assistance group.
- 4) The Appellant, the sole member of her assistance group, is eligible for \$15 in SNAP benefits each month.
- 5) The Respondent correctly calculated the Appellant's monthly SNAP allotment.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Respondent's determination of the Appellant's monthly Supplemental Nutrition Assistance Program allotment. Whereas the issue of the termination of the Appellant's Qualified Individual benefits is now moot, the Appellant's request for hearing is **dismissed**.

ENTERED this 22nd day of August 2018

**Kristi Logan
State Hearing Officer**