



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

July 14, 2008

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Attached is a copy of the findings of fact and conclusions of law on your hearing held July 8, 2008. Your hearing request was based on the Department of Health and Human Resources' proposal to reduce your Food Stamp benefits.

In arriving at a decision, the State Hearings 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 and benefit levels for the Food Stamp Program are based on current policy and regulations. Some of these regulations state: Eligibility for Food Stamp benefits and the amount of the Food Stamp allotment are based on a determination of countable household income (that income remaining after all appropriate disregards and deductions are applied) and the number of individuals in the Food Stamp benefit group. (West Virginia Income Maintenance Manual ' 10.4 and 7 CFR 273.10(e) - Code of Federal Regulations)

The information submitted at your hearing reveals that your monthly countable household income increased when you were awarded SSI benefits in the amount \$573 per month. As a result, your Food Stamp benefits will decrease from \$162 to \$50 per month.

It is the decision of the State Hearings Officer to **uphold** the action of the Department in reducing your Food Stamp benefits from \$162 to \$50 per month.

Sincerely,

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

cc: Erika H. Young, Chairman, Board of Review  
Stephanie Smith, ESS, DHHR

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

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

**v.**

**Action Number: 08-BOR-1404**

**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 July 14, 2008 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 July 8, 2008 on a timely appeal filed April 21, 2008. The hearing request was not received by the Board of Review until May 21, 2008.

**II. PROGRAM PURPOSE:**

The Program entitled Food Stamp Program is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

The purpose of the Food Stamp Program 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  
Stephanie Smith, ESS, DHHR

Presiding at the Hearing was Thomas E. Arnett, State Hearing Officer and a member of the State Board of Review.

### **IV. QUESTIONS TO BE DECIDED:**

The question to be decided is whether the Department is correct in its action to reduce the Claimant's Food Stamp benefits effective April 1, 2008.

### **V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual ' 10.4 and Appendix C.  
7 CFR ' 273.9 & 7 CFR ' 273.10 - Code of Federal Regulations

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

#### **Department's Exhibits:**

DHS-1 Food Stamp Allotment Determination for period 1//1/08 through 3/31/08.  
DHS-2 Food Stamp Allotment Determination beginning 4/1/08.  
DHS-3 Notice of Decision dated 3/15/08  
DHS-4 WVIMM, Chapter 10.4, Appendix C  
DHS-5 Claimant's written appeal

### **VII. FINDINGS OF FACT:**

- 1) The Department was notified via a computerized data exchange with the Social Security Administration that the Claimant was awarded SSI benefits in the amount of \$573 per month in March 2008.
- 2) The Claimant's Food Stamp case was updated to include the change in income (see exhibit DHS-1 & DHS-2) effective April 1, 2008. The Claimant's increase in income resulted in a reduction in Food Stamp benefits from \$162 to \$50 per month as indicated in the Notice of Decision (DHS-3) dated March 15, 2008.

- 3) The following calculations were used in determining eligibility and benefit amount for the purpose of this hearing:

Claimant's income effective March 2008 is 573 per month.

\$573.00	Unearned income
- 134.00	Standard deduction
<u>- 0.00</u>	Medical deduction (in excess of \$35) – no deduction given
\$439.00	Adjusted income

Shelter cost:	285
Utility cost:	<u>0</u>
Total	285
2 Adj inc.	<u>-219.65</u>
Shelter/Util Deduction	\$65.35

439.00	Adjusted Income
<u>- 65.35</u>	Shelter/Util. Deduction
<b>\$373.00</b>	<b>Monthly Countable Income (rounded down)</b>

- 4) WV Income Maintenance Manual, Chapter 10.4 contains policy regarding income disregards and deductions, and to computation of and eligibility for Food Stamp benefits. It also states: To determine the coupon allotment, find the countable monthly income and number in the benefit group. The income deductions permitted in the Claimant's case are listed in Finding of Fact #3.
- 5) In accordance with Chapter 10.4, Appendix C, (WV Income Maintenance Manual, Food Stamp Program - Basis of Issuance) revised October 1, 2007, an Assistance Group of one (1) with a monthly countable income of \$371 - \$373 is entitled to receive \$50 per month of Food Stamp benefits.

### VIII. CONCLUSIONS OF LAW:

- 1) The regulations state that the Food Stamp benefit amount is based on the countable monthly income and the number of individuals in the benefit group.
- 2) The Claimant's monthly disposable income increased from \$0 to \$573 per month when he was awarded SSI benefits in March 2008.
- 3) Based on the calculations in Finding of Fact #3, the Claimant's countable monthly income (the income remaining after all allowable deductions and disregards) is \$373. According to WVIMM, Chapter 10.4, Appendix C, a one (1) person household with a monthly countable income of \$373 is entitled to \$50 of Food Stamp benefits per month.
- 4) Based on the evidence presented at the hearing, the Department was correct to reduce your Food Stamp benefit amount from \$162 to \$50 per month effective April 1, 2008.

**IX. DECISION:**

It is the decision of the State Hearing Officer to **uphold** the action of the Department in reducing your Food Stamp benefits from \$162 to \$50 per month.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 14<sup>th</sup> Day of July, 2008.**

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**Thomas E. Arnett**  
**State Hearing Officer**