



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1400 Virginia Street
Oak Hill, WV 25901

Joe Manchin, III
Governor

Martha Yeager Walker
Secretary

August 27, 2009

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held August 10, 2009. Your hearing request was based on the Department of Health and Human Resources' proposal to terminate your Supplemental Nutrition Assistance Program (SNAP) benefits due to excessive income.

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 for the SNAP program is based on current policy and regulations. These regulations provide that a group of individuals who live together, and for whom food is customarily purchased and prepared together must be included in the same SNAP Assistance Group (West Virginia Income Maintenance Manual § 9.1 A).

The information submitted at your hearing revealed that all household members purchase and prepare their meals together and are required by policy to be in the same Assistance Group. The combined income for all household members exceeds the allowable limits to continue receiving SNAP benefits.

It is the decision of the State Hearings Officer to **Uphold** the proposal of the Department to terminate your SNAP benefits due to excessive income..

Sincerely,

Kristi Logan
State Hearings Officer
Member, State Board of Review

cc: Erika Young, Chairman, Board of Review
Murriel Hylton, Economic Service Supervisor

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

-----,

Claimant,

v.

Action Number: 09-BOR-1385

**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 August 10, 2009 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 August 10, 2009 on a timely appeal, filed June 17, 2009.

It should be noted here that the claimant's benefits under the Supplemental Nutrition Assistance Program (SNAP) program have been continued pending a decision.

II. PROGRAM PURPOSE:

The Program entitled SNAP is administered by the West Virginia Department of Health & Human Resources.

The purpose of the Supplemental Nutrition Assistance 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

-----, Witness for Claimant

Murriel Hylton, Economic Service Supervisor

Presiding at the Hearing was Kristi Logan , State Hearing Officer and a member of the Board of Review.

This hearing was held by videoconference.

IV. QUESTIONS TO BE DECIDED:

The question to be decided is whether or not the Department's proposal to terminate Claimant's SNAP benefits is correct.

V. APPLICABLE POLICY:

WV Income Maintenance Manual § 9.1 A

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Hearing/Grievance Record Information (Form IG-BR-29)
- D-2 Hearing Request received June 17, 2009
- D-3 Notification Letter dated June 9, 2009
- D-4 WV Income Maintenance Manual § 10.4
- D-5 Hearing Summary
- D-6 Statement signed by ----- on June 2, 2009

Claimants' Exhibits:

None

VII. FINDINGS OF FACT:

- 1) Claimant's SNAP benefits were reviewed on June 2, 2009. Her household consisted of her husband and her three (3) children. Claimant reported to her caseworker that everyone in the household purchased and prepared their meals together. Claimant wrote a statement which read (D-6):

We purchase all the food together in the home with their Food Stamp.

[REDACTED] – Food Stamp
[REDACTED] – Food Stamp
[REDACTED]
----- Food Stamp
[REDACTED]

All the above eat together.

- 2) Claimant and two (2) of her children, -----and -----, had previously been receiving SNAP benefits as separate Assistance Groups (AG). All household members were added to Claimant's AG, along with their incomes. A notification letter dated June 9, 2009 was issued which read in pertinent parts (D-3):

Your SNAP benefits will stop. You will not receive this benefit after June 2009. Income is too much for you to receive benefits.

With all household members' income combined, the income exceeded the allowable limits to continue receiving SNAP benefits.

- 3) Claimant testified she had her husband had been receiving \$20 a month in SNAP benefits. The food for the household is purchased with his Social Security and Veteran's checks. Claimant admitted to writing the statement but didn't remember writing that they all "purchased" their food together, only that they "prepared" it all together (D-6).

Claimant stated she cooks the food for everyone in the household and everyone eats the food that she purchases each month with her SNAP benefits and husband's income. [REDACTED] buys his own snack food with his SNAP benefits. Claimant did not contest the amount of income used in the determination of SNAP eligibility, only that all the cases had been combined when she had not requested it.

- 4) WV Income Maintenance Manual § 9.1 A(1) states:

The Assistance Group: Who Must be Included

The SNAP AG must include all eligible individuals who both live together and purchase and prepare their meals together.

The following shows the make-up of a SNAP AG:

Purchase and Prepare Together

- A group of individuals who live together, and for whom food is customarily purchased and prepared together, is an AG.
- Customarily is used to mean over 50% of meals on a monthly basis.

VIII. CONCLUSIONS OF LAW:

- 1) Policy dictates that individuals who reside together in the same household, and who purchase and prepare their meals together must be in the same Assistance Group.
- 2) The testimony provided revealed all members of Claimant's household eat the food that is purchased and prepared by her. Although Claimant chose to have a separate Assistance Group from her children, policy takes precedence in the matter and requires all household members' SNAP benefits be combined.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the proposal of the Department to terminate Claimant's SNAP benefits.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 27th day of August 2009.

Kristi Logan
State Hearing Officer