



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
P.O. Box 1736  
Romney WV, 26757

Joe Manchin III  
Governor

Patsy A. Hardy, FACHE, MSN, MBA  
Cabinet Secretary

December 4, 2009

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Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held December 2, 2009. Your hearing request was based on the Department of Health and Human Resources' decision to terminate your Supplemental Nutrition Assistance Program 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 SNAP benefits is based on current policy and regulations. These regulations provide that all individuals who live together and purchase and prepare their meals together must be included in the same assistance group. (West Virginia Income Maintenance Manual Chapter 9.1) Income is defined as any and all monies from any source (West Virginia Income Maintenance Manual Chapter 10.2 and all income must be attributed when determining an individual's monthly allotment of SNAP benefits.

The information which was submitted at your hearing revealed that who were residing and purchasing and preparing your meals with your co-habitant, therefore the Department was correct to attribute all income and terminate your SNAP benefit.

It is the decision of the State Hearing Officer to Uphold the action of the Department to terminate the Claimant's SNAP benefits.

Sincerely,

Eric Phillips  
State Hearing Officer  
Member, State Board of Review

cc: Erika Young, Chairman, Board of Review  
Ann Hubbard, ESS

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

-----,

**Claimant,**

**v.**

**Action Number: 09-BOR-1864**

**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 December 4, 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 December 2, 2009 on a timely appeal, filed September 1, 2009.

**II. PROGRAM PURPOSE:**

The purpose of the Supplemental Nutrition Assistance Program (SNAP) 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 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

Ann Hubbard, Economic Service Supervisor (participated telephonically)

Presiding at the Hearing was Eric L. Phillips, State Hearing Officer and a member of the Board of Review.

**IV. QUESTION TO BE DECIDED:**

The question to be decided is whether or not the Department was correct to terminate the Claimant's SNAP benefits based on household composition and income.

**V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual Chapter 10

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

**Department's Exhibits:**

- D-1 Hearing Summary
- D-2 RAPIDS computer printout exhibiting household composition
- D-3 RAPIDS computer printout exhibiting all household income
- D-4 RAPIDS computer printout exhibiting income calculations
- D-5 West Virginia Income Maintenance Manual Chapter 10 Appendix A

**VII. FINDINGS OF FACT:**

- 1) The Claimant was a current recipient of Supplemental Nutrition Assistance Program benefits and completed a corresponding reevaluation for his benefits on July 13, 2009. The Claimant stated at said review that his household consisted of himself along with his cohabiter, ----- The Claimant purported at his revaluation that he and his cohabiter purchased and prepared their meals together.
- 2) Ann Hubbard, Economic Service Supervisor, testified that the Claimant reported at his recertification that income to the household consisted of his unemployment compensation benefits in the amount of \$375.00 per week and his cohabiter's employment income of \$396.00 per week. Exhibit D-4, RAPIDS computer printout documents the counted income attributed to the SNAP benefit. The Claimants monthly income was calculated as \$1612.50 and his cohabiter's income was calculated as \$1702.80. Both amounts were derived from using the individual's weekly income and multiplying that amount by the standard multiplier of 4.3. Total gross monthly income attributed to the SNAP benefit was determined as \$3315.30.
- 3) Ms. Hubbard presented exhibit D-5, West Virginia Income Maintenance Manual Chapter 10 Appendix A, documenting the income limits for the SNAP program. It shall be noted that an updated version of this exhibit was presented during the hearing and the correct income limit at the time of the Claimant's recertification was \$1517.00 per month for an assistance group of two individuals. Ms. Hubbard testified that the household's gross monthly income of \$3315.30 exceeded the gross monthly income limit of \$1517.00 or 130% of the Federal Poverty Level, thus resulting in the denial of the Claimant's SNAP benefit.
- 4) The Claimant testified that his unemployment income has decreased and his cohabiter has relocated from his residence since the recertification in July 2009. The Claimant's testimony illustrated his current situation and was not reflective of his situation in July 2009. The Claimant was under the impression that when benefits were closed or terminated the individual was ineligible to receive SNAP benefits again for the next three years and thus requested the hearing. The Department informed the Claimant that if his situation had changed he may reapply for the benefit.

- 5) West Virginia Income Maintenance Manual Chapter 9.1 documents in part:

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

- 6) West Virginia Income Maintenance Manual Chapter 10.4 documents in part:

Eligibility is determined and benefits are issued on a monthly basis. Therefore, it is necessary to determine the monthly amount of income to count for the eligibility period.

For all cases, the worker must determine the amount of income that can be reasonably counted for the AG.

- 6) West Virginia Income Maintenance Manual Chapter 10 Appendix A documents:

Number of Persons	Gross Income Limit (130% FPL)
2	\$1517

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

- 1) Policy dictates that all individuals who purchase and prepare their meals together must be included in the same assistance group. Policy further dictates that all income for an assistance group must be considered when determining the assistance group's amount of SNAP benefits.
- 2) The Claimant informed the Department at his recertification of benefits, that his household consisted of himself and his cohabiter and that they purchased and prepared their meals together. The income reported for the assistance group at the time of the recertification exceeded 130% of the Federal Poverty Level; therefore the Department was correct in its termination of the Claimants SNAP benefits.

#### **IX. DECISION:**

It is the decision of the State Hearing Officer to uphold the action of the Department to terminate the 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 \_\_\_\_\_ day of December 2009.**

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**Eric L. Phillips  
State Hearing Officer**