



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

February 11, 2009

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held February 5, 2009. Your hearing request was based on the Department of Health and Human Resources' determination of your Supplemental Nutrition Assistance Program (SNAP) allotment.

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 the SNAP is based on current policy and regulations. Some of these regulations state as follows: Countable income is determined by computing household income and subtracting all allowable deductions. Once countable income is determined, the coupon allotment is determined by finding the countable income and the number in the Assistance Group in West Virginia Income Maintenance Manual Chapter 10, Appendix C. (West Virginia Income Maintenance Manual Chapter 10.4C)

Information submitted at your hearing reveals that the Department correctly computed your SNAP allotment based on your income and allowable deductions.

It is the decision of the State Hearing Officer to **uphold** the Department's determination of your SNAP allotment.

Sincerely,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

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

-----,

Claimant,

v.

Action Number: 09-BOR-490

**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 February 11, 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 February 5, 2009 on a timely appeal filed January 2, 2009.

II. PROGRAM PURPOSE:

The Supplemental Nutrition Assistance Program (SNAP), formerly 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 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 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 Hurst, Economic Services Supervisor, DHHR

Presiding at the hearing was Pamela L. Hinzman, State Hearing Officer and a member of the State Board of Review.

IV. QUESTIONS TO BE DECIDED:

The question(s) to be decided is whether the Department correctly calculated the Claimant's SNAP allotment.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Chapter 10.4, B&C, and Chapter 10, Appendices A, B&C

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Notice of Decision dated October 22, 2008
- D-2 Notice of Decision dated October 22, 2008 concerning supplemental issuance
- D-3 Copy of Rapids Food Stamp Allotment Determination screen
- D-4 West Virginia Income Maintenance Manual Chapter 10.4

Claimant's Exhibits:

- C-1 Fair Hearing Request Form with written statements

VII. FINDINGS OF FACT:

- 1) The Claimant reported an increase in shelter costs which resulted in an increase in her Supplemental Nutrition Assistance Program (SNAP) benefits effective October 2008.
- 2) The Department sent notification to the Claimant on October 22, 2008 (D-1) which states, in part:

Action: Your SNAP benefits will increase from \$89 to \$169 effective 11/01/08.

Reason: Your shelter and/or utility costs are higher.

It should be noted that the Department sent the Claimant a second notice dated October 22, 2008 (D-2) indicating that the Claimant would receive \$80 in supplemental SNAP benefits to

restore benefits not originally issued to her in October 2008 due to an Agency error. The additional \$80 brought the Claimant's total SNAP benefits to \$169 for October 2008.

- 3) The Claimant voiced dissatisfaction with her total SNAP allotment, stating that she has a medical condition that causes muscle weakness in her eyes. She testified – and wrote in Exhibit C-1- that she needs to purchase healthy foods to provide her with adequate nutrition so that she can function independently.
- 4) The Economic Services Supervisor testified that the Claimant's gross monthly income in 2008 was \$637 in Supplemental Security Income (SSI) benefits. She explained how the Department calculated the Claimant's monthly SNAP allotment, as detailed in Exhibit D-3. The Claimant's income deductions include the standard deduction of \$144 and a deduction for excess shelter and utility costs of \$469.50. The amount of excess shelter and utility costs is computed by totaling the Claimant's shelter and utility expenses of \$716 (\$350 rent plus \$366 Standard Utility Allowance) then subtracting one-half (\$246.50) of the Claimant's adjusted income of \$493 (\$637 total income-\$144 standard deduction). By subtracting excess shelter and utility costs (\$469.50) from \$493 (adjusted income), the Claimant's countable household income is \$23.50 per month, which equates to a SNAP allotment of \$169 for an Assistance Group of one person. The Supervisor testified that the maximum SNAP allotment for a one-person Assistance Group is \$176 per month.
- 5) West Virginia Income Maintenance Manual Section 10.4 B (D-4) lists income deductions and disregards for the SNAP. These deductions include the following:
 - Earned income disregard of 20 percent
 - Standard deduction of \$144 as noted in Chapter 10, Appendix B for one-person Assistance Group
 - Dependent care deduction
 - Child support deduction
 - Homeless shelter standard deduction
 - Medical expenses in excess of \$35 per month for elderly or disabled members of the Assistance Group
 - Shelter/utility deduction
- 6) West Virginia Income Maintenance Manual Section 10.4 C (D-4) specifies that countable income for the SNAP is determined by computing household income and subtracting all allowable deductions based on the household circumstances. Once countable income is determined, the coupon allotment is determined by finding the countable income and the number in the Assistance Group in Chapter 10, Appendix C.
- 7) West Virginia Income Maintenance Manual Chapter 10, Appendix C states that the coupon allotment for a one-person Assistance Group with a monthly countable income of \$23.50 is \$169 per month.

VIII. CONCLUSIONS OF LAW:

- 1) West Virginia Income Maintenance Manual Chapter 10.4 B&C specifies that allowable deductions for the SNAP are as follows.

- Earned income disregard of 20 percent
 - Standard deduction
 - Dependent care deduction
 - Child support deduction
 - Homeless shelter standard deduction
 - Medical expenses in excess of \$35 per month for elderly or disabled members of the Assistance Group
 - Shelter/utility deduction
- 2) The only deductions for which the Claimant qualifies are the standard deduction and deductions for her shelter/utility costs, bringing her countable income to \$23.50 per month. Policy dictates that the corresponding monthly SNAP allotment for a one-person Assistance Group is \$169.
- 3) Based on information and testimony presented during the hearing, the Department correctly calculated the Claimant's SNAP allotment as specified in the October 22, 2008 notification.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the Department's SNAP allotment determination.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 11th Day of February, 2009.

Pamela L. Hinzman
State Hearing Officer