



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

April 10, 2009

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held April 9, 2009. Your hearing request was based on the Department of Health and Human Resources' proposal to reduce your Supplemental Nutrition Assistance Program (SNAP) 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 (formerly Food Stamp Program) is based on current policy and regulations. Some of these regulations state as follows: When at least one assistance group member is elderly or disabled as specified in Section 12.15, B, eligibility is determined by comparing the countable income to the maximum net monthly income found in Appendix A. To determine the coupon allotment, find the countable income and the number in the assistance group in Appendix C. (West Virginia Income Maintenance Manual Chapter 10.4)

Based on information submitted at the hearing, the Department has correctly calculated your SNAP allotment.

It is the decision of the State Hearing Officer to **uphold** the proposal of the Department to decrease your SNAP benefits.

Sincerely,

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

cc: Erika H. Young, Chairman, Board of Review
Donna Smith, ESW, DHHR

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

-----,

Claimant,

v.

Action Number: 09-BOR-786

**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 April 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 April 9, 2009 on a timely appeal filed February 12, 2009.

It should be noted that benefits have been continued pending the results of the hearing.

II. PROGRAM PURPOSE:

The program entitled SNAP, formerly Food Stamps, 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 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

Donna Smith, Economic Service Worker, 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's proposal to reduce the Claimant's SNAP benefits is correct.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Chapters 10.3, 10.4, 10-Appendix B, and 10-Appendix C

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 West Virginia Income Maintenance Manual information for Manual Change 534
- D-2 Excerpts from West Virginia Income Maintenance Manual Chapter 10.4
- D-3 Fair hearing information
- D-4 Notice of Decision dated January 31, 2009

VII. FINDINGS OF FACT:

- 1) As a result of a mass computer change updating 2009 Supplemental Security Income (SSI) amounts, the Claimant's Supplemental Nutrition Assistance Program, hereinafter SNAP, benefits were scheduled to decrease from \$232 to \$215 effective March 1, 2009. This information is documented in a Notice of Decision (D-4) dated January 31, 2009.
- 2) The Economic Service Worker testified that the Claimant's monthly SSI income had increased from \$637 in 2008 to \$674 in 2009. The Claimant did not dispute the income information, but testified that her son is currently unemployed and he also relies on her income. She expressed concerns about how increases in income cause decreases in the amount of SNAP benefits. The Claimant indicated that she has health problems and has certain medical expenses that are not covered by Medicaid. The worker testified that the Claimant is receiving the maximum allowable medical deduction based on her reported expenses.

- 3) According to calculations included in Exhibit D-4, the Claimant receives the following income deductions: Standard Deduction of \$144; medical expense deduction of \$47.50; and shelter/utility deduction of \$124.75.
- 4) West Virginia Income Maintenance Manual Chapter 10.4, C, 1 states:

When at least one AG member is elderly or disabled as specified in Section 12.15, B, eligibility is determined by comparing the countable income to the maximum net monthly income found in Appendix A. There is no gross income test.
- 5) West Virginia Income Maintenance Manual Chapter 10.4, B lists allowable income deductions for the Food Stamp Program. These deductions include a 20 percent earned income deduction, a standard deduction, a dependent care deduction, a deduction for child support paid, the homeless shelter standard deduction, a deduction for medical expenses in excess of \$35 per month (only for persons disabled or over age 60), and a shelter/utility deduction.
- 6) West Virginia Income Maintenance Manual Chapter 10.3, CCCC states that SSI payments are counted as unearned income for the Food Stamp Program.
- 7) West Virginia Income Maintenance Manual Chapter 10.4, C states:

2. Determining Countable Income

The following steps are used to determine countable income for cases meeting the eligibility tests in item 1 above.

Step 1: Combine monthly gross non-excluded earnings and monthly gross profit from self-employment.

Step 2: Deduct 20% of Step 1.

Step 3: Add the gross non-excluded unearned income, including the WV WORKS benefit and any amount reduced or being repaid to the WV WORKS due to failure to comply with a program requirement. See Section 10.4, D.

Step 4: Subtract the Standard Deduction found in Appendix B. (*Currently \$144*)

Step 5: Subtract the Dependent Care Deduction up to the maximums found in Appendix B.

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.

Step 10:

No One Elderly or Disabled		At Least One Person Elderly or Disabled
Shelter/SUA Equal To Or Less Than Step 9.	No further computation is needed. The amount from Step 8 is the countable income.	No further computation is needed. The amount from Step 8 is the countable income.
Shelter/ SUA Greater Than Step 9.	The amount in excess of 50%, not to exceed the shelter/ utility cap, in Appendix B is deducted to arrive at countable income.	The amount in excess of 50% is deducted, without regard to the shelter/ utility cap, in Appendix B to arrive at countable income.

Step 11: Compare the countable income to the maximum net income in Appendix A for the AG size. This net income test does not apply to Categorically Eligible AGs.

3. Determining The Amount Of The Benefit

To determine the coupon allotment, find the countable income and the number in the AG in Appendix C.

8) West Virginia Income Maintenance Manual Chapter 10.4, 7, b states:

The Standard Utility Allowances are fixed deductions which are adjusted yearly to allow for fluctuations in utility costs. These deductions are the Heating/Cooling Standard (HCS), the Non-Heating/Cooling Standard (NHCS), and the One Utility Standard (OUS). The current SUA amounts are found in Appendix B. AGs that are obligated to pay from their own resources a utility expense that is billed separately from their shelter costs are eligible for an SUA deduction. AGs which are not obligated to

pay any utility cost are ineligible for the SUA, regardless of utility expenses paid by others in the residence.

Appendix B indicates that the Standard Utility Allowance is \$366.

- 9) West Virginia Income Maintenance Manual Section 10, Appendix C lists Food Stamp allotments based on income and the number of individuals in the assistance group.

VIII. CONCLUSIONS OF LAW:

- 1) Policy states that SSI is counted as unearned income for the SNAP. To find the coupon allotment, countable income (after all allowable deductions) is compared to Chapter 10, Appendix C for the number of individuals in the assistance group.
- 2) The Claimant's monthly SSI income increased to \$674 as a result of a Cost of Living Allowance update. Based on information provided during the hearing, the Claimant is eligible for the following income deductions: \$144 standard deduction; medical expense deduction of \$47.50; and shelter/utility deduction of \$124.75. This brings the Claimant's countable net adjusted income to \$357.75.
- 3) Policy in Section 10, Appendix C indicates that a two-person assistance group with countable income of \$357.75 is entitled to \$215 in SNAP benefits.
- 4) The Department's proposal to decrease the Claimant's SNAP allotment is correct.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the proposal of the Department to reduce 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 10th Day of April 2009.

**Pamela L. Hinzman
State Hearing Officer**