



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

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

June 1, 2010

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held May 27, 2010. Your hearing request was based on the Department of Health and Human Resources' proposal to terminate your Supplemental Nutrition Assistance Program (SNAP) and Qualified Individual (QI-1) benefits due to excessive income.

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 and QI-1 programs is based on current policy and regulations. These regulations provide that if a member of the Assistance Group is elderly or disabled, the Assistance Group need only meet the net income test for the Food Stamp program. To qualify for the Qualified Individual 1 program, the countable income must be at or below 135% of the Federal Poverty Level for the Assistance Group size (West Virginia Income Maintenance Manual § 10.4 D and 10.16).

The information submitted at your hearing revealed that your countable income exceeds the allowable limits for the SNAP and QI-1 programs.

It is the decision of the State Hearing Officer to **Uphold** the proposal of the Department to terminate your Supplemental Nutrition Assistance Program (SNAP) and Qualified Individual (QI-1) benefits due to excessive income.

Sincerely,

Kristi Logan
State Hearing Officer
Member, State Board of Review

cc: Chairman, Board of Review
Fred Burns, Economic Service Supervisor

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

-----,

Claimant,

v.

**Action Number: 10-BOR-1063
10-BOR-1064**

**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 May 27, 2010 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.

It should be noted here that the claimant's benefits under the Supplemental Nutrition Assistance Program and Qualified Individual program have continued pending a decision.

II. PROGRAM PURPOSE:

The Programs entitled Supplemental Nutrition Assistance Program (SNAP) and Qualified Individual (QI-1) are administered by the West Virginia Department of Health & Human Resources.

The purpose of 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.

The Qualified Medicare Beneficiaries (QMB), the Specified Low Income Medicare Beneficiaries (SLIMB), and the Qualified Individuals (QI-1) Programs provide limited coverage under the Medicaid Program for eligible individuals or couples who are eligible for Medicare, Part A and who meet specified income tests. The QMB program has a lower maximum income level and provides coverage of all Medicare co-insurance and deductibles as

well as payment of the Medicare premium. SLIMB and QI-1 have higher maximum income levels and provide only for the payment of the Medicare Part B premium.

III. PARTICIPANTS:

-----, Claimant
Fred Burns, Economic Service Supervisor

Presiding at the Hearing was Kristi Logan, 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's proposal to terminate Claimant's SNAP and QI-1 benefits is correct.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual § 10.4 C and 10.16

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Termination Letter dated March 17, 2010
- D-2 SNAP 24-Month Review Form received March 2, 2010
- D-3 WV Income Maintenance Manual Chapter 10 Appendix A
- D-4 WV Income Maintenance Manual § 10.4 D(2)

Claimants' Exhibits:

None

VII. FINDINGS OF FACT:

- 1) Claimant completed a SNAP review on March 16, 2010. Claimant reported his income as Social Security \$1096 and Veteran's Benefits \$195 monthly (D-2). The Department issued a notification letter dated March 17, 2010 which read in pertinent parts (D-1):

Your SNAP benefits will stop. You will not receive this benefit after March 2010. Income is too much for you to receive benefits.

Your application for Qualified Individual 1 has been denied. Income is more than the income limit for you to receive benefits.

- 2) Fred Burns, Economic Service Supervisor, testified that Claimant's gross monthly income of \$1291 is excessive for Claimant to continue receiving QI-1 and his net income is excessive to continue receiving SNAP benefits. Mr. Burns stated Claimant reported his expenses as alimony, a car payment and that he "pays my ex some on the mortgage" (D-2). Mr. Burns stated policy does not allow any of these reported expenses as deductions from Claimant's income.
- 3) Claimant testified that he lives in a trailer behind his ex-wife's house. He pays his ex-wife money each month for his portion of the electric, water, sewer and trash. Claimant stated they are connected to the same meter. He also pays her \$400 monthly in court-ordered alimony, which is deducted from his Social Security check.
- 4) West Virginia Income Maintenance Manual § 10.4 C(2) states:

Determining Countable Income [for SNAP]

- 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
- Step 4: Subtract the Standard Deduction
- Step 5: Subtract allowable Dependant Care Expenses
- Step 6: Subtract the amount of legally obligated child support actually paid
- Step 7: Subtract the Homeless Shelter Deduction
- 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: If at least one member is elderly/disabled, and the shelter/utility expenses are less than or equal to the amount from Step 9, no further computation is needed. The amount from Step 8 is the countable income.

- 5) West Virginia Income Maintenance Manual § 10.16 states:

Determining Eligibility [for Qualified Medicare Beneficiary (QMB), Specified Low-Income Medicare Beneficiary (SLIMB) and Qualified Individuals I (QI-1)]

Countable income is determined as follows:

- Step 1: Determine the total non-excluded gross unearned income and subtract the appropriate disregards.
- Step 2: Determine the total non-excluded gross earned income.
- Step 3: Add unearned income from Step 1 above.
- Step 4: Subtract the amount of income diverted to a PASS account and the Death Benefit deduction.

The result is the total monthly countable income.

Step 5: Compare the amount in Step 4 to the QMB, SLIMB or QI-1 income levels for the appropriate number of persons below. If the amount is less than or equal to the QMB, SLIMB or QI-1 income levels, the client(s) is eligible.

Eligibility for these coverage groups is determined as follows.

QMB - Income is less than or equal to 100% Federal Poverty Level (FPL).

SLIMB - Income is greater than 100% FPL, but less than or equal to 120% FPL.

QI-1 - Income is greater than 120% FPL, but less than or equal to 135% FPL.

VIII. CONCLUSIONS OF LAW:

- 1) Claimant's countable net income for the Food Stamp program is calculated as follows:

\$1291.00	Gross Monthly Income
- 144.00	Standard Deduction
- <u>61.40</u>	Medical Deduction (\$96.40 - \$35)
\$1085.60	Countable Net Income

Claimant's countable net income exceeds the net income limit of \$903 to be eligible for Food Stamps.

- 2) Claimant's countable net income for the Qualified Individual program is calculated as:

\$1291.00	Gross Monthly Income
- <u>20.00</u>	SSI Disregard
\$1271.00	Countable Net Income

Claimant's countable net income exceeds 135% of the Federal Poverty Level of \$1239.

- 3) The Department correctly terminated Claimant's Supplemental Nutrition Assistance Program and Qualified Individual 1 benefits due to excessive income.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the proposal of the Department to terminate Claimant's Supplemental Nutrition Assistance Program and Qualified Individual 1 benefits due to excessive income.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 1st day of June 2010.

**Kristi Logan
State Hearing Officer
Member, Board of Review**