



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
9083 Middletown Mall
White Hall, WV 26554

Joe Manchin III
Governor

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

August 4, 2010

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held August 3, 2010. Your hearing request was based on the Department of Health and Human Resources' action to reduce your 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 and benefit levels for SNAP benefits are based on current policy and regulations. Some of these regulations state that eligibility for SNAP benefits and the amount of the SNAP allotment are based on the determination of countable household income (that income remaining after all appropriate disregards and deductions are applied) and the number of individuals in the SNAP benefit group. (West Virginia Income Maintenance Manual, Chapter 10.4 and 7 CFR §273.10(e) - Code of Federal Regulations)

Information submitted at your hearing reveals that your monthly countable household income increased when the amount of your shelter cost (mortgage payment) decreased. Because your monthly countable income increased (the income remaining after all appropriate disregards and deductions are applied), your SNAP benefits decreased from \$258 to \$200 per month effective May 1, 2010.

It is the decision of the State Hearing Officer to **uphold** the action of the Department in reducing your SNAP benefits from \$258 to \$200 per month effective May 1, 2010.

Sincerely,

Thomas E. Arnett
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Mary Shipley, ESW, DHHR

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

-----,

Claimant,

v.

Action Number: 10-BOR-1457

**West Virginia Department of
Health and Human Resources (WVDHHR),**

Respondent.

DECISION OF STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair 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 3, 2010 on a timely appeal filed June 2, 2010.

II. PROGRAM PURPOSE:

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 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

Mary Shipley, Economic Services Worker (ESW), WVDHHR

Rick Post, Economic Services Supervisor, WVDHHR

Presiding at the Hearing was Thomas E. Arnett, State Hearing Officer and a member of the State Board of Review.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether or not the Department was correct in its decision to reduce the Claimant's SNAP benefits effective May 2010.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual, Chapter 10.4 and Chapter 10, Appendix C.
7 CFR § 273.9 & 7 CFR § 273.10 - Code of Federal Regulations

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Shelter / Utility cost verified per the request of D-3
- D-3 ES-6 dated April 6, 2010 requesting verification of mortgage/utility cost
- D-4 Case Comments for April 2010
- D-5 Review 11/08 (should say 11/09) - SNAP Benefit Calculation Form
- D-6 Review 4/10 – SNAP Benefit Calculation Form
- D-7 WV Housing Development Fund Loan Status (June 3, 2010)
- D-8 Notice of Decision dated April 23, 2010
- D-9 WV Income Maintenance Manual (WVIMM), Chapter 10.4 and 4.2
- D-10 Mortgage payment verified on April 6, 2010
- D-11 Verification of Income (Child Support) amount (Verified on April 6, 2010)
- D-11a Verification of Income (Child Support) amount (Verified on July 16, 2010)

VII. FINDINGS OF FACT:

- 1) On April 6, 2010 the Claimant completed a 6-month review to determine continued eligibility and benefit levels for participation in the Supplemental Nutrition Assistance Program, hereinafter SNAP.
- 2) On or about April 23, 2010, the Claimant was notified via a Notice of Decision (D-8) that she was approved for SNAP benefits in the amount of \$200 per month effective May 1, 2010.
- 3) The Claimant filed a written appeal on June 2, 2010 as she was receiving \$258 per month in SNAP benefits prior to the April 23, 2010 notice.
- 4) The Department's representatives presented evidence (D-2, D-5, D-6, D-7, D-10 and D-11) to show that the decrease in SNAP benefits effective May 2010 is the result of a reduction in the Claimant's monthly mortgage obligation from \$317.14 per month to \$124.02. While evidence submitted at the hearing demonstrates that a subsequent income verification was provided by the Claimant (D-11a) in July 2010 (resulting in an increase in her SNAP benefits), the only issue that will be addressed in this decision is the SNAP benefit amount resulting from the April 2010 review.

- 5) The following calculations were used in determining eligibility for the purpose of this hearing:

The 2-person AG total monthly income is \$860 (child support \$200 per week x 4.3 = \$860)

| | |
|----------|---|
| 860.00 | Monthly Unearned Income (child support) |
| - 141.00 | Standard deduction |
| 719.00 | Adjusted income |

| | | |
|------------------------|----------------|----------------------------------|
| Shelter cost: | 124.02 | New verified mortgage amount |
| Utility cost: | <u>400.00</u> | Standard Utility Allowance (SUA) |
| Total | 524.02 | |
| 50% of Adj income | <u>-359.50</u> | (\$719 divided by 2) |
| Shelter/Util Deduction | 164.52 | |

| | |
|-----------------|-------------------------|
| 719.00 | Adjusted Income |
| - <u>164.52</u> | Shelter/Util. Deduction |
| \$554.48 | Countable Income |

Pursuant to Chapter 10, Appendix C – a 2-person AG with a monthly countable income amount of \$554 is entitled to \$200 in SNAP benefits per month.

- 6) WV Income Maintenance Manual, Chapter 10.4, contains policy regarding income disregards and deductions, and explains the computations used to determine eligibility for SNAP benefits. Once eligibility is established, the SNAP benefit amount is determined by the countable monthly income (the amount of income that remains after all exclusions, disregards and deductions have been applied) and the number of individuals in the assistance group (AG).

Conversion of income to a monthly amount is accomplished by multiplying an actual or average amount as follows:

- Weekly amount x 4.3
- Bi-weekly amount (every 2 weeks) x 2.15
- Semi-monthly (twice/month) x 2

A Standard Deduction (\$141) is applied to the total non-excluded income counted for the AG, after application of the Earned Income Disregard. (It should be noted that “unearned” income is not eligible to receive the 20% Earned Income Disregard).

After all other exclusions, disregards and deductions have been applied, 50% of the remaining income is compared to the total monthly shelter costs and the appropriate Standard Utility Allowance (SUA). If the shelter costs/SUA exceed 50% of the remaining income, the amount in excess of 50% is deducted.

VIII. CONCLUSIONS OF LAW:

- 1) The Claimant's monthly unearned income amount was calculated correctly based on the verification provided at the time of the April 2010 review (D-11). As noted by the Department, the only change in the Claimant's financial circumstance from the previous review completed in November 2009 was that her shelter (mortgage) expenses were reduced (\$317.14 per month to \$124.02). As a result, the Claimant's countable/net adjusted income increased (See net adjusted income on Exhibits D-5 and D-6).
- 2) Based on the calculations found in Exhibit D-6, the Claimant's countable monthly income (the income remaining after all allowable deductions and disregards) in the month of April 2010 was \$554.48. According to the WVIMM, Chapter 10.4, Appendix C, a 2-person AG with a monthly countable income of \$554.48 is entitled to \$200 in SNAP benefits per month.
- 3) Based on the evidence presented at the hearing, the Department has followed proper procedure in its action to reduce the Claimant's SNAP benefits effective May 2010.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the action of the Department in reducing the Claimant's SNAP benefits \$258 to \$200 per month effective May 2010.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this ____ Day of August, 2010.

**Thomas E. Arnett
State Hearing Officer**