



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

Earl Ray Tomblin
Governor

Michael J. Lewis, M.D., Ph.D.
Cabinet Secretary

May 31, 2012

Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held May 30, 2012. Your hearing request was based on the Department of Health and Human Resources' decision to terminate 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 the SNAP is based on current policy and regulations. Some of these regulations state as follows: When no Assistance Group (AG) member is elderly or disabled, the gross income must be equal to or less than the gross income limit in Appendix A. If so, the AG qualifies for the disregards and deductions in Section 10.4B. If the gross income exceeds the amount in Appendix A, the Assistance Group is ineligible (West Virginia Income Maintenance Manual Chapter 10.4.C)

Information submitted at your hearing reveals that the Department correctly terminated your SNAP benefits based on excessive income.

It is the decision of the State Hearing Officer to **uphold** the Department's action to terminate your SNAP benefits.

Sincerely,

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

cc: Erika H. Young, Chairman, Board of Review
Tera Pendleton, WVDHHR

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

IN RE: -----,

Claimant,

v.

ACTION NO.: 12-BOR-1063

**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 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 via telephone on May 30, 2012, on a timely appeal filed April 9, 2012. The hearing was originally scheduled for May 9, 2012, but was rescheduled at the request of the Department.

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 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
Tera Pendleton, Economic Service Worker, WVDHHR

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

IV. QUESTION TO BE DECIDED:

The question to be decided is whether the Department was correct in its action to terminate the Claimant's SNAP benefits based on excessive income.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Chapter 10.4.C, and Chapter 10, Appendix A

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Case Comments dated March 15, 2012- May 10, 2012
- D-2 SNAP review form, Verification Checklist dated March 15, 2012, and pay stubs
- D-3 Food Stamp Allotment Determinations
- D-4 Notice of Decision dated March 27, 2012
- D-5 West Virginia Income Maintenance Manual Chapter 10, Appendix A

VII. FINDINGS OF FACT:

- 1) The Claimant completed a Supplemental Nutrition Assistance Program (SNAP), formerly Food Stamp Program, redetermination (D-2) in March 2012. At that time, the Department sent the Claimant a Verification Checklist (D-2), requesting that he provide verification of his employment income. The Claimant provided pay stubs for the periods ending February 18, 2012, and March 3, 2012, on March 19, 2012.
- 2) The Department sent a Notice of Decision to the Claimant on March 27, 2012 (D-4), informing him that his SNAP benefits were denied due to excessive income. The notice indicates that the Claimant's total household gross monthly income is \$1,396 and the gross income limit for a one-person SNAP Assistance Group is \$1,180.
- 3) The Claimant did not contest the Department's income calculation, but indicated that his wages have not increased and stated that he did not know how he previously qualified for SNAP benefits. He testified that his work hours have now decreased, and that he must pay many household expenses with his income. Tera Pendleton, Economic Service Worker with the Department, indicated that the Claimant may reapply for SNAP benefits at any time.
- 4) West Virginia Income Maintenance Manual Section 10.4.C 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 (AG) in Chapter 10, Appendix C.
- 5) West Virginia Income Maintenance Manual Chapter 10.4.C.1 states that when no Assistance Group member is elderly or disabled, the gross income must be equal to or less than the gross

income limit in Appendix A. If so, the AG qualifies for the disregards and deductions in Section 10.4.B. If the gross income exceeds the amount in Appendix A, the AG is ineligible.

- 6) West Virginia Income Maintenance Manual Chapter 10, Appendix A (D-5) states that the gross income limit for a one-person SNAP Assistance Group is \$1,180 per month.

VIII. CONCLUSIONS OF LAW:

- 1) Policy states that the gross income limit for a one-person SNAP Assistance Group is \$1,180 per month.
- 2) The Department determined that the Claimant's gross monthly household income is \$1,396.
- 3) Based on information and testimony presented during the hearing, the Department acted correctly in terminating the Claimant's SNAP benefits based on excessive income.

IX. DECISION:

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

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 31st Day of May 2012.

Pamela L. Hinzman
State Hearing Officer