



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General

Board of Review
P.O. Box 1736
Romney, WV 26757

Earl Ray Tomblin
Governor

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

June 12, 2012

Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held June 7, 2012. 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 SNAP is based on current policy and regulations. These regulations provide that countable income is determined by computing household income and subtracting all allowable deductions. After all exclusions, disregards and deductions have been applied, 50% of the remaining income is compared to the total monthly shelter cost 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, with the deduction not exceeding the shelter/utility cap found in West Virginia Income Maintenance Manual Chapter 10, Appendix B. 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 10.4 B and C)

Information submitted at your hearing reveals that the Department correctly calculated your SNAP allotment based on your reported shelter deductions.

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

Sincerely,

Eric L. Phillips
State Hearing Officer
Member, State Board of Review

cc: Erika Young-Chairman, Board of Review
Ann Hubbard-Economic Service Supervisor

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

IN RE: -----,

Claimant,

v.

ACTION NO.: 12-BOR-1075

**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 ----- which convened on June 7, 2012, on a timely appeal filed April 12, 2012. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' Common Chapters Manual.

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 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

Ann Hubbard, Economic Service Supervisor-WVDHHR

Presiding at the hearing was Eric L. Phillips, 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 was correct in its decision to reduce the Claimant's Supplemental Nutrition Assistance Program (SNAP) benefits.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Chapter 10.4 B and C.

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Computer printout of case comments dated April 25, 2012
- D-3 Food Stamp Allotment Determination printout for May 2012
- D-4 Food Stamp Allotment Determination printout for April 2012
- D-5 West Virginia Income Maintenance Manual Chapter 10, Appendix B
- D-6 West Virginia Income Maintenance Manual Chapter 10.4
- D-7 Notice of Decision dated April 13, 2012

VII. FINDINGS OF FACT:

- 1) The Claimant, who is a current recipient of SNAP benefits, completed a recertification interview on April 12, 2012, in order to maintain his eligibility for the program.
- 2) Effective April 1, 2012, the Claimant was determined eligible for \$42.00 in monthly SNAP benefits. This determination was based on the Claimant's gross income of \$1079.00 from Social Security benefits and his shelter costs of \$550.00. After all deductions and allowances, including the standard deduction and the Standard Utility Allowance (SUA), the Claimant's monthly SNAP allotment was determined to be \$52.00, less a recoupment of \$10.00, for a net SNAP allotment of \$42.00 (Exhibit D-4).
- 3) During the SNAP recertification, the Claimant reported a decrease in shelter costs to \$280.00 per month. The Economic Service Worker (ESW), who completed the interview with the Claimant, verified the Claimant's monthly gross Social Security benefits to be \$1079.00; however, the ESW discovered that the Claimant was currently in repayment status with the Social Security Administration and was receiving a net amount of \$1025.50 in Social Security benefits.
- 4) Effective May 1, 2012, the Claimant was determined eligible for \$6.00 in monthly SNAP benefits. This determination was based on the Claimant's net Social Security income of \$1025.50 and his shelter cost of \$280.00. After all deductions and allowances, the Claimant's

monthly SNAP allotment was determined to be \$16.00, less a recoupment of \$10.00, for a net SNAP allotment of \$6.00 (Exhibit D-3).

- 5) On April 13, 2012, the Claimant was issued a Notice of Decision (Exhibit D-7) which informed him of the reduction in SNAP benefits due to the decrease in his shelter and utility costs.
- 6) The Claimant offered no dispute to the Department's calculation of his monthly SNAP allotment (Exhibit D-3), but contended the revised monthly amount of \$6.00 was an insufficient amount of benefits to provide nutrition to his household on a monthly basis. The Claimant asserted that additional monies that he gained from the decrease in his shelter costs are utilized to sustain other areas of his life including family, travel and medical expenses.
- 7) West Virginia Income Maintenance Manual Chapter 10.4. B documents in pertinent part:

Certain items may be allowed as income deductions to arrive at an AG's countable income. A deduction is allowed even if the payment is made from assets. The expense must be billed or be due during the certification period in which the deduction is claimed. In addition, deductions from the AG's income are applied only if the expense is obligated to be met by the AG's own resources. The AG's obligation must be to an individual not included in the AG to receive a deduction.

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Shelter/Utility Deduction

After all other exclusions, disregards and deductions have been applied, 50% of the remaining income is compared to the total monthly shelter cost 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. The deduction cannot exceed the shelter/utility cap found in Appendix B.

The expense must be allowed only if the AG is obligated to pay with the resources of the AG. The deduction applies whether the expense is obligated from excluded or non-excluded resources. There is no time period for deciding when an AG is no longer allowed a deduction for the bill. The AG is no longer allowed the deduction when the expense is no longer billed or is no longer due. An expense does not have to be paid to be a deduction.

Items considered in arriving at shelter costs are the continuing amounts of:

- Rent
- Mortgage payments
- Interest on mortgage payments
- Condominium and association fees, regardless of purpose for the fees

- Payments to an escrow account that has been established to pay property taxes and homeowner's insurance.
- Property taxes and special tax assessments on the structure and lot required by State or local law. This does not include assessments such as police and fire fees, unless the fee is based on property valuation
- Insurance on the structure and lot. This does not include insurance on furniture or personal belongings
- Cost of repairing the home which was damaged or destroyed due to a natural disaster or misfortune including, but not limited to, fire, flood or freezing temperatures.
- A car payment when the homeless AG lives in the vehicle
- Insurance on the vehicle itself when the homeless AG lives in the vehicle.

VIII. CONCLUSIONS OF LAW:

- 1) Policy allows a deduction on countable income when determining SNAP allotments for households who are obligated to pay a shelter and utility expense from their own resources. After all other exclusions, disregards and deductions have been applied, 50% of the household's remaining income is compared to the total monthly shelter costs and the appropriate SUA.
- 2) The Claimant's shelter/utility deduction was decreased as a result in the Claimant's reported decrease in his monthly obligation for his shelter expenses. Because the Claimant's shelter/utility deduction was less, his SNAP benefits were decreased from \$42.00 to \$6.00.
- 3) The matter before the Board of Review is to determine if the Department correctly calculated the Claimant's SNAP allotment based on all income deductions. The Claimant offered no testimony to dispute the Department's calculation of his monthly SNAP allotment, but contended his monthly allotment was not sufficient to purchase adequate amounts of food and nutrition. Therefore, the basis of the Claimant's appeal is solely one of policy with no factual dispute. Evidence reveals that the Department correctly calculated the Claimant's SNAP allotment based on all income disregards and deductions; therefore, the Department was correct in their decision to reduce the Claimant's SNAP allotment.

IX. DECISION:

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

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this _____ day of June 2012.

Eric L. Phillips
State Hearing Officer