



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

Earl Ray Tomblin  
Governor

Rocco S. Fucillo  
Cabinet Secretary

July 19, 2012

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Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held July 18, 2012. Your hearing request was based on the Department of Health and Human Resources' action to terminate 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. When at least one assistance group (AG) member is disabled, eligibility is determined by comparing the countable income to the maximum net monthly income found in Appendix A – There is no gross income test. (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 net monthly countable household income exceeds the maximum allowable net income for a SNAP AG of one. As a result, the Department was correct to terminate your SNAP benefits.

It is the decision of the State Hearing Officer to **uphold** the action of the Department to terminate your SNAP benefits effective May 2012.

Sincerely,

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

cc: Erika H. Young, Chairman, Board of Review  
Debra Nestor, ESS, DHHR

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

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**Claimant,**

**v.**

**Action Number: 12-BOR-1323**

**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 originally scheduled to convene on June 26, 2012, but was rescheduled at the request of the Claimant and convened on July 18, 2012, on a timely appeal filed May 18, 2012.

**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

Debra Nestor, Economic Services Supervisor (ESS), 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 terminate the Claimant's SNAP benefits in May 2012.

**V. APPLICABLE POLICY:**

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

**VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:**

**Department's Exhibits:**

- D-1 Notice of Decision dated May 7, 2012
- D-2 West Virginia Income Maintenance Manual, Chapter 10.4.C
- D-3 West Virginia Income Maintenance Manual, Chapter 10, Appendix A

**VII. FINDINGS OF FACT:**

- 1) On or about May 7, 2012, the Claimant was notified via a Notice of Decision (D-1) that his SNAP benefits would terminate effective May 2012.
- 2) As a matter of record, the Claimant's Supplemental Security Income (SSI) benefits were terminated and his monthly income increased to \$963.63 due to the onset of Retirement, Survivors and Disability Insurance (RSDI) Program benefits from Social Security Administration.
- 3) The Department's representative cited policy and noted that because the Claimant is disabled, and he has no deductions or other members in his SNAP Assistance Group (AG), his net income cannot exceed the maximum net income allowed (\$908) for a one-person AG.
- 4) The West Virginia Income Maintenance Manual, Chapter 10.4.C., contains policy regarding income disregards and deductions, and explains the computations used to determine eligibility for SNAP benefits. Chapter 10.4.C.1, states as follows:

When at least one AG member is elderly, which is at least age 60, or disabled (emphasis added) 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, Appendix A, reveals that the monthly net income for a one-person AG cannot exceed \$908.

**VIII. CONCLUSIONS OF LAW:**

- 1) The regulations that govern SNAP benefits state that when at least one AG member is elderly or disabled, eligibility is determined by comparing the AG's countable income to the maximum net monthly income found in Appendix A of Chapter 10.
- 2) A review of the evidence reveals that the Claimant's monthly net RSDI income of \$963.63 exceeds the maximum allowable net income allowed (\$908) for a one-person AG.
- 3) Based on the evidence presented at the hearing, the Department was correct in its decision to terminate the Claimant's SNAP benefits effective May 2012.

**IX. DECISION:**

It is the decision of the State Hearing Officer to **uphold** the Department's action to terminate the Claimant's SNAP benefits effective May 2012.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this \_\_\_\_ Day of July 2012.**

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**Thomas E. Arnett  
State Hearing Officer**