



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
203 E. Third Avenue  
Williamson, WV 25661

Earl Ray Tomblin  
Governor

Rocco S. Fucillo  
Cabinet Secretary

July 30, 2012

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Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held July 13, 2012. Your hearing request was based on the Department of Health and Human Resources' decision to reduce your SNAP benefits due to an increase in your SNAP assistance group's (AG) 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 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 §10.4 and 7 CFR §273.10(e) - Code of Federal Regulations).

The information submitted at your hearing demonstrated that your SNAP benefits decreased due to a increase in the earned income of your SNAP AG.

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to reduce your SNAP benefits because your SNAP AG's income increased.

Sincerely,

Stephen M. Baisden  
State Hearings Officer  
Member, State Board of Review

cc: Erika Young, Chairman, Board of Review  
Tera Pendleton, WV DHHR, -----County Office

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

-----,

**Claimant,**

**v.**

**ACTION NO: 12-BOR-1394**

**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 Chapter 700 of the West Virginia Department of Health and Human Resources' Common Chapters Manual. This Fair Hearing was convened by telephone conference call on July 13, 2012, on a timely appeal filed June 4, 2012.

**II. PROGRAM PURPOSE:**

The program entitled the Supplemental Nutrition Assistance Program, or SNAP, is administered by the West Virginia Department of Health and Human Resources (DHHR.)

The purpose of the Supplemental Nutrition Assistance Program 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, WV DHHR, -----County Office, Department's representative

Presiding at the hearing was Stephen M. Baisden, State Hearing Officer and member of the Board of Review.

All participants offering testimony were placed under oath.

**IV. QUESTION TO BE DECIDED:**

The question to be decided is whether or not the Department's decision to reduce Claimant's SNAP benefits is correct.

**V. APPLICABLE POLICY:**

WV Income Maintenance Manual §10.4.A, U.S. 7 CFR §273.10, U.S. Code of Federal Regulations

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

**Department's Exhibits:**

- D-1 CMCC Screen print from RAPIDS System showing Income Maintenance worker case comments made from March 15, 2012, through June 6, 2012, in Claimant's case
- D-2 Screen prints from RAPIDS showing SNAP allotment calculations, employment, and earned income history for Claimant's household
- D-3 Letter from Department to Claimant, dated April 25, 2012

**VII. FINDINGS OF FACT:**

- 1) Department's Representative stated that on April 20, 2012, the Claimant came into the --- County office of the WV DHHR (herein "Department") in order to complete a SNAP benefit review/redetermination. She stated that the worker who helped Claimant complete the review/redetermination made a case recording indicating Claimant had come into the office for her review and needed to obtain verification of her spouse's income in order to complete it. (Exhibit D-1.) A further recording (Exhibit D-1, page 2) indicates that Claimant returned to the ----- office on April 24, 2012, to apply for another program and submitted the required income information. Department's Representative submitted as evidence screen prints from the RAPIDS benefit issuance computer system (Exhibit D-2) indicating that a worker entered the income information verified by Claimant, and calculated her SNAP benefits to be \$91 per month. She added that on April 25, 2012, the Department sent Claimant a letter indicating the amount of her monthly SNAP issuance. (Exhibit D-3.)
- 2) Claimant did not contest the gross income amounts that the worker entered. Claimant testified that two of the paycheck stubs she submitted as verification of her husband's

monthly income reflected overtime, and that these were the only paychecks he received wherein he worked overtime. Therefore, she stated, she did not feel that this was an accurate reflection of her husband's income. She added that since the review was completed, her husband lost his job and was no longer working.

- 3) Department's Representative stated that monthly income is calculated based on actual gross earnings for any SNAP application or review/redetermination. She stated that the presence or absence of overtime pay is not considered in assessing an applicant's household income, but that all gross payments are entered and averaged together to calculate a monthly income amount. Department's Representative added that if Claimant would provide verification of her husband's loss of employment, she would readjust the household SNAP amount for future months.
- 4) West Virginia Income Maintenance Manual, Chapter 10.4.A.2 states in pertinent part:

Whether the Worker considers income from the prior 30 days, or from a longer period of time, all of the income received . . . during that time period must be considered. All pay periods during the appropriate time period must be considered and must be consecutive.

## **VII. CONCLUSIONS OF LAW:**

- 1) Policy dictates that SNAP monthly allotments are based on an assistance group's amount of gross income, less any deductions for which the AG may qualify.
- 2) Claimant and Department's Representative agreed that the amount of gross income entered at her SNAP benefit review/redetermination were accurate based on the income verifications she submitted.
- 3) The submitted evidence indicates that the Department correctly calculated the Claimant's monthly SNAP allotment.

## **IX. DECISION:**

It is the decision of the State Hearing Officer to **uphold** the Department's decrease of Claimant's SNAP monthly benefits issuance due to an increase in the earned income received in her SNAP AG.

## **X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 30<sup>th</sup> day of July 2012.**

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**Stephen M. Baisden  
State Hearing Officer**