



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

August 23, 2012

Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held August 21, 2012. Your hearing request was based on the Department of Health and Human Resources' decision to deny your application for SNAP benefits due to excessive 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 the Department properly denied your application for SNAP benefits due to excessive earned income in your SNAP assistance group.

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to deny your application for SNAP benefits.

Sincerely,

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

cc: Erika Young, Chairman, Board of Review
Peggy Gillespie, WV DHHR, ----- County Office

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

IN RE: -----,

Claimant,

v.

ACTION NO: 12-BOR-1641

**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 August 21, 2012, on a timely appeal filed June 29, 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

Peggy Gillespie, 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 deny Claimant's application for SNAP benefits is correct.

V. APPLICABLE POLICY:

WV Income Maintenance Manual §10.4.A and §10 Appendix A

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Letter from Department to Claimant, dated June 8, 2012
- D-2 Hearing request signed by Claimant on June 23, 2012
- D-3 WV DHHR Income Maintenance Manual, Chapter 10.4.A.4.
- D-4 WV DHHR Income Maintenance Manual, Chapter 10, Appendix A
- D-5 InROADS (On-Line) SNAP application form signed and dated by Claimant on May 31, 2012

VII. FINDINGS OF FACT:

- 1) Department's Representative stated that on May 31, 2012, the WV DHHR, ----- County Office, received an application for Medicaid and SNAP benefits from Claimant through InROADS, the DHHR's Internet-based benefit application and redetermination service. (Exhibit D-5.)
- 2) Claimant's SNAP application indicates this is a three-person assistance group (AG), consisting of Claimant, her husband and their son. Page 6 of the application documents that the only income in the AG is the earnings of Claimant's husband. Page 6 also documents that Claimant's husband works for the US Army National Guard and receives gross pay in the amount of \$1,014 every two weeks. WV DHHR Income Maintenance Manual, Chapter 10.4.A.4 (Exhibit D-3), states that biweekly income is converted to monthly income by multiplying it by 2.15. \$1,014 multiplied by 2.15 equals \$2,180 per month. This is the amount listed on page 6 of Claimant's application. WV DHHR Income Maintenance Manual, Chapter 10, Appendix A (Exhibit D-4), indicates that the gross monthly income limit for SNAP benefits for an assistance group of three is \$2008. Department's Representative stated that since the gross monthly income for Claimant's

SNAP AG is more than \$2008, the Department denied her application. Department's Representative stated that on June 8, 2012, the worker who processed Claimant's application issued a letter to her (Exhibit D-1) informing her that her application for SNAP benefits was denied.

- 3) Claimant did not contest the gross biweekly income amount that the worker entered or the monthly income as listed on her application form. She testified that she understood why her SNAP application was denied.

VII. CONCLUSIONS OF LAW:

- 1) Policy dictates that eligibility for SNAP benefits is based on an assistance group's monthly gross income, in addition to other eligibility factors.
- 2) Claimant and Department's Representative agreed that the amount of gross income entered on her SNAP application form was accurate based on the income verification she submitted.
- 3) The submitted evidence indicates the Department correctly calculated that the gross monthly income for Claimant's AG was more than the gross monthly income limit for SNAP benefits.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the Department's denial of Claimant's SNAP benefits application due excessive earned income 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 23rd day of August 2012.

Stephen M. Baisden
State Hearing Officer