



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

**Rocco S. Fucillo**  
Cabinet Secretary

August 29, 2012

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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' 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 certain items may be allowed as income deductions to arrive at an assistance group's (AG) 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 (West Virginia Income Maintenance Manual Chapter 10.4).

The information which was submitted at your hearing revealed that the Department correctly calculated your SNAP allotment based on your reported shelter deductions and medical expenses.

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  
Donna Toler-Economic Service Supervisor

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

**IN RE:**     -----,

**Claimant,**

**v.**

**ACTION NO.: 12-BOR-1804  
12-BOR-1774**

**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 hearing convened August 21, 2012, on timely appeals, filed July 18, 2012, and July 24, 2012.

**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  
Donna Toler, Economic Service Supervisor

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 correctly determined the Claimant's SNAP allotment based on allowable medical, shelter, and utility deductions.

**V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual Chapter 10.4

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

**Department's Exhibits:**

- D-1 Hearing Request
- D-2 Notice of Decision dated July 25, 2012
- D-3 Claimant's Medical Expenses
- D-4 West Virginia Income Maintenance Manual Chapter 10.4
- D-5 Computer printout of SNAP Allotment Determination

**VII. FINDINGS OF FACT:**

- 1) The Claimant, a current recipient of SNAP benefits, contends that the Department has erred in its calculation of his medical, shelter, and utility deductions; therefore resulting in an incorrect SNAP allotment.
- 2) The Claimant was notified of an increase of his monthly SNAP allotment, effective July 2012, from \$90.00 to \$94.00 (Exhibit D-2).
- 3) Donna Toler, Economic Service Supervisor, explained the determination (Exhibit D-5) of the Claimant's SNAP allotment. Ms. Toler indicated that the determination was based on the Claimant's monthly gross income of \$1068.00. After all deductions and allowances, including the standard deduction (\$147.00) and medical expenses (\$11.25), the Claimant's adjusted net income was determined at \$909.75. The Claimant pays a monthly shelter cost of \$292.00 and is eligible for the "utility standard" of \$62.00, due to his payment for a telephone expense. The Claimant's total shelter/utility expense was determined at \$353.00. Ms. Toler explained that the Claimant was not awarded a shelter or utility deduction because fifty percent of his net adjusted income ( $\$909.75/2 = \$454.87$ ) is greater than his shelter/utility expense. Therefore, thirty percent of the Claimant's net adjusted income ( $\$909.75 \times .30 = \$272.70$ ) was subtracted from the maximum SNAP allotment for an assistance group of two (\$367.00) for a monthly SNAP allotment of \$94.00 ( $\$367.00 - \$272.70 = \$94.30$  rounded to the nearest dollar).

- 4) Ms. Toler explained that the Claimant's medical expenses were determined based on information provided by the Claimant. These monthly expenses were determined to be \$26.00 to -----, M.D., \$11.45 to -----, and \$8.80 to -----Drug Store for prescriptions for the Claimant and his wife. Total medical expenses total \$46.25 monthly. Ms. Toler testified that any medical expense in excess of \$35.00 is considered an allowable deduction; therefore, the Claimant received a medical expense deduction of \$11.25 ( $\$46.25 - \$35.00 = \$11.25$ ).
- 5) The Claimant contended that the medical expenses submitted to the Department are greater than the allowable deduction attributed to his SNAP allotment. The Claimant offered no dispute to the calculation of the shelter or utility deduction presented by the Department.
- 6) West Virginia Income Maintenance Manual Chapter 10.4 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 (EXCEPTION: educational expenses). 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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#### Medical Expenses

Medical expenses in excess of \$35 must be allowed as a medical deduction. Only the medical expenses of AG members who are elderly, which is at least age 60, or disabled, as defined in Section 12.15,B, are considered. Once the medical expenses of all such AG members have been totaled, the amount of the total in excess of \$35 is used as a medical deduction. There is no maximum dollar limit for the amount of a medical deduction. Thirty-five dollars (\$35) is deducted from the total amount of expenses for the AG, not \$35 from each person's expenses.

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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 costs 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.

### **VIII. CONCLUSIONS OF LAW:**

- 1) Policy requires that certain items may be allowed as income deductions to arrive at an assistance group's countable income. The expense must be billed or be due during the certification period in which the deduction is claimed. In addition, deductions from the assistance group's income are applied only if the expense is obligated to be met by the assistance group's own resources. The assistance group's obligation must be to an individual not included in the assistance group to receive a deduction.
- 2) Policy requires that medical expenses in excess of \$35.00 must be allowed as a medical deduction. This is determined to mean that once the medical expenses of all such AG members have been totaled, the amount of the total in excess of \$35.00 is used as a medical deduction.
- 3) Policy requires that a shelter and utility deduction is determined after all other exclusions, disregards and deductions have been applied. Fifty percent of the remaining income is compared to the total monthly shelter costs and the appropriate Standard Utility Allowance (SUA). If the shelter costs/SUA exceed fifty percent of the remaining income, the amount in excess of fifty percent is deducted.
- 4) Upon review of all evidence, the Department correctly calculated the assistance group's total gross monthly income and adjusted this income according to the correct income disregards and deductions (medical expense and shelter/utility) for which the household qualified. Therefore, the Department correctly calculated the household's SNAP allotment.

### **IX. DECISION:**

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

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

See Attachment

### **XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this \_\_\_\_\_ day of August 2012.**

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**Eric L. Phillips**  
**State Hearing Officer**