



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Earl Ray Tomblin
Governor

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

March 15, 2012

Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held March 14, 2012. Your hearing request was based on the Department of Health and Human Resources' reduction of your Supplemental Nutrition Assistance Program (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 for the SNAP is based on current policy and regulations. Some of these regulations state as follows: Countable income is determined by computing household income and subtracting all allowable deductions. 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.C)

Information submitted at your hearing reveals that the Department correctly computed your SNAP allotment based on your income and allowable deductions.

It is the decision of the State Hearing Officer to **uphold** the Department's action in reducing your SNAP benefits.

Sincerely,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Stephanie Hurst, FSS, WVDHHR

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

IN RE: -----,

Claimant,

v.

ACTION NO.: 12-BOR-587

**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 the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened on March 14, 2012 on a timely appeal filed January 25, 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 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

Stephanie Hurst, Family Support Supervisor, WVDHHR

Presiding at the hearing was Pamela L. Hinzman, State Hearing Officer and a member of the State Board of Review.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether the Department correctly reduced the Claimant's SNAP allotment based on an increase in income.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Chapters 2, Appendix B, 10.4, B and C, and 10, Appendices A, B and C

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Notice of Decision dated January 7, 2012
- D-2 West Virginia Income Maintenance Manual Chapter 10.4.C
- D-3 West Virginia Income Maintenance Manual Chapter 2, Appendix B
- D-4 West Virginia Income Maintenance Manual Chapter 10, Appendix A
- D-5 Food Stamp Allotment Determination information for January 2012 and February 2012

VII. FINDINGS OF FACT:

- 1) The Claimant, a recipient of Social Security and Supplemental Security Income (SSI), was informed in a Notice of Decision dated January 7, 2012 (D-1) that her Supplemental Nutrition Assistance Program (SNAP), formerly Food Stamp Program, benefits would decrease in February 2012 as the result of a Social Security/SSI Cost of Living Adjustment (COLA) increase.
- 2) Stephanie Hurst, Family Support Supervisor with the Department, testified that the Claimant previously received \$85 in SNAP benefits based on her previous combined Social Security/SSI amount of \$698 per month. The SNAP benefits decreased to \$74 effective February 2012 as the Claimant received a COLA, bringing her gross monthly income to \$718 per month. Exhibit D-5 details the Claimant's SNAP allotment determinations both before and after the COLA. After allowable deductions, the Claimant's net income – the amount counted toward her SNAP benefits – is now \$419.50.
- 3) The Claimant did not dispute the Department's income calculations, but testified that she does not know how she will be able to support herself. She indicated that her bills keep increasing, while her SNAP allotment continues to decrease. The Claimant stated that she purchases her clothes at a charitable facility and must rely on assistance from her family and boyfriend. The Claimant testified that she has since received another letter from the Department indicating that her SNAP allotment would further decrease to \$60 per month in April 2012. The Family Support Supervisor explained the upcoming decrease in SNAP benefits is the result of an across-the-board reduction in the amount of utility costs the Department can consider.

- 4) West Virginia Income Maintenance Manual Section 10.4.B lists income deductions and disregards for the SNAP. These deductions include the following:

- Earned income disregard of 20 percent
- Standard deduction of \$142 as noted in Chapter 10, Appendix B for one-person Assistance Group
- Dependent care deduction
- Child support deduction
- Homeless shelter standard deduction
- Medical expenses in excess of \$35 per month for elderly or disabled members of the Assistance Group
- Shelter/utility deduction

- 5) West Virginia Income Maintenance Manual Section 10.4 C (D-2) specifies that countable income for the SNAP is determined by computing household income and subtracting all allowable deductions based on the household circumstances. Once countable income is determined, the coupon allotment is determined by finding the countable income and the number in the Assistance Group in Chapter 10, Appendix C.

When at least one AG member is elderly, which is at least age 60, or disabled 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.

- 6) West Virginia Income Maintenance Manual Chapter 10, Appendix C states that the SNAP allotment for a one-person Assistance Group with a monthly countable income of \$419.50 is \$74 per month.
- 7) West Virginia Income Maintenance Manual Chapter 2, Appendix B (D-3) addresses the 2012 Social Security/SSI COLA.

VIII. CONCLUSIONS OF LAW:

- 1) West Virginia Income Maintenance Manual Chapter 10.4 B and C specify that allowable deductions for the SNAP are as follows.

- Earned income disregard of 20 percent
- Standard deduction
- Dependent care deduction
- Child support deduction
- Homeless shelter standard deduction
- Medical expenses in excess of \$35 per month for elderly or disabled members of the Assistance Group
- Shelter/utility deduction

- 2) The Department determined that the Claimant qualifies for the standard deduction, as well as deductions for her shelter/utility costs, bringing her net adjusted income to \$419.50 per month. Policy dictates that the corresponding monthly SNAP allotment for a one-person Assistance Group is \$74.
- 3) Based on information and testimony presented during the hearing, the Department correctly reduced the Claimant's SNAP allotment based on the 2012 COLA increase.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the Department's action to decrease 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 15th Day of March, 2012.

Pamela L. Hinzman
State Hearing Officer