



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

April 5, 2012

Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held April 4, 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. (West Virginia Income Maintenance Manual Chapter 10.4.C and Appendix C)

Information submitted at your hearing reveals that the Department correctly calculated 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
Angela Jennings, ESS, WVDHHR

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

IN RE: ---- ----,

Claimant,

v.

ACTION NO.: 12-BOR-799

**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 telephonically on April 4, 2012 on a timely appeal filed February 27, 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
Angela Jennings, Economic Service 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 West Virginia Income Maintenance Manual Chapter 2, Appendix B
- D-2 West Virginia Income Maintenance Manual Chapter 10, Appendix B
- D-3 Food Stamp Allotment Determination information for October 2011-January 2012 and February 2012

VII. FINDINGS OF FACT:

- 1) The Claimant and his wife are recipients of Supplemental Nutrition Assistance Program (SNAP), formerly Food Stamp Program, benefits and received a Social Security and Supplemental Security Income (SSI) Cost of Living increase in January 2012. As a result, the Claimant's SNAP benefits decreased from \$101 to \$90 per month effective February 2012.
- 2) Angela Jennings, Economic Service Supervisor with the Department, testified that the Claimant and his wife previously had a combined total gross monthly income of \$1,206, but now receive a combined gross income of \$1,243 per month. She provided Exhibit D-3 to demonstrate how the Department calculated the Claimant's SNAP benefits. Exhibit D-3 indicates that the Standard Deduction of \$147 and a Child Support Deduction of \$175 were subtracted from the household's gross income. The Claimant was given the Utility Standard of \$400, however this did not result in an income deduction since \$400 is less than 50 percent of his adjusted income of \$921.
- 3) The Claimant did not dispute the Department's income calculations, but testified that he and his wife have difficulty living on the income they receive. He testified that the Department should consider the cost of other items, such as vehicles and clothing, when determining the SNAP allotment. He indicated that his Medicare co-payments have increased. The Claimant stated that he is paying his brother for rent, however, the Economic Service Supervisor contended that the Department has been provided no verification of this shelter expense. She indicated that the Claimant could receive a shelter deduction if he provides verification of his rent expense.

- 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 \$147 (as noted in Chapter 10, Appendix B, Exhibit D-2, for two- 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 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 two-person Assistance Group with a monthly countable income of \$921 is \$90 per month.
- 7) West Virginia Income Maintenance Manual Chapter 2, Appendix B (D-1) addresses the 2012 Social Security/SSI COLA.

VIII. CONCLUSIONS OF LAW:

- 1) Pursuant to West Virginia Income Maintenance Manual Chapter 10.4 B and C, the Claimant was provided all allowable income deductions for the SNAP, including the standard deduction and a deduction for his monthly child support payment. This brings his net adjusted income to \$921 per month. Policy dictates that the corresponding monthly SNAP allotment for a two-person Assistance Group is \$90.
- 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 5th Day of April, 2012.

Pamela L. Hinzman
State Hearing Officer