



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 19, 2012

Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held April 12, 2012. Your hearing request was based on the Department of Health and Human Resources' decision to deny your Supplemental Nutrition Assistance Program (SNAP) application.

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: When no Assistance Group (AG) member is elderly or disabled, the gross income must be equal to or less than the gross income limit in Appendix A. If so, the AG qualifies for the disregards and deductions in Section 10.4B. If the gross income exceeds the amount in Appendix A, the Assistance Group is ineligible (West Virginia Income Maintenance Manual Chapter 10.4.C)

Information submitted at your hearing reveals that the Department correctly denied your SNAP benefits based on excessive income.

It is the decision of the State Hearing Officer to **uphold** the Department's action to deny your SNAP application.

Sincerely,

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

cc: Erika H. Young, Chairman, Board of Review
Mark Kennedy, ESS, WVDHHR

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

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

Claimant,

v.

ACTION NO.: 12-BOR-805

**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 via videoconference on April 12, 2012 on a timely appeal filed February 28, 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

Mark Kennedy, 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 was correct in its action to deny the Claimant's SNAP application based on excessive income.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Chapter 10.4.C, and Chapter 10, Appendix A

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Notices of Decision dated February 24, 2012 (two notices with same date)
- D-2 SNAP application dated February 17, 2012 (submitted via inROADS)
- D-3 Medicaid application submitted on February 21, 2012
- D-4 Vehicle loan information
- D-5 Verified gross monthly income information for Claimant and her husband

VII. FINDINGS OF FACT:

- 1) The Claimant completed a Supplemental Nutrition Assistance Program (SNAP) application (D-2) on February 17, 2012.
- 2) The Department sent a Notice of Decision to the Claimant on February 24, 2012 (D-1), informing her that the SNAP benefits were denied due to excessive income. The notice indicates that the Claimant's total household gross monthly income is \$2,009.62 and the gross income limit for a three-person SNAP Assistance Group is \$2,008.
- 3) The Economic Service Supervisor submitted Exhibit D-5 to verify the income information utilized in making the eligibility determination.
- 4) The Claimant did not contest the Department's income calculation, but indicated that the notice stated her family was only \$1 over the gross income limit and that the family could use the SNAP benefits. The Claimant stated that she was hospitalized recently and has about \$30,000 in unpaid medical bills.
- 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 (AG) in Chapter 10, Appendix C.
- 6) West Virginia Income Maintenance Manual Chapter 10.4.C.1 states that when no Assistance Group member is elderly or disabled, the gross income must be equal to or less than the gross income limit in Appendix A. If so, the AG qualifies for the disregards and deductions in Section 10.4.B. If the gross income exceeds the amount in Appendix A, the AG is ineligible.

- 7) West Virginia Income Maintenance Manual Chapter 10, Appendix A states that the gross income limit for a three-person SNAP Assistance Group is \$2,008 per month.

VIII. CONCLUSIONS OF LAW:

- 1) Policy states that the gross income limit for a three-person SNAP Assistance Group is \$2,008 per month.
- 2) The Department determined that the Claimant's gross monthly household income is \$2,009.62.
- 3) Based on information and testimony presented during the hearing, the Department acted correctly in denying the Claimant's SNAP application based on excessive income.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the Department's denial of SNAP benefits. It should be noted that the Claimant's denial of AFDC-Related Medicaid benefits based on excessive assets was also addressed during the hearing. However, the Medicaid issue will be addressed in a separate decision.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 19th Day of April, 2012.

Pamela L. Hinzman
State Hearing Officer