



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
203 East Third Avenue
Williamson, WV 25661

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

June 3, 2015



RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-1759

Dear Ms. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

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.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

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

Encl: Appellant's Recourse to Hearing Decision
Form IG-BR-29

cc: Tina Marcum, WV DHHR, [REDACTED] Office

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

██████████,

Appellant,

v.

ACTION NO.: 15-BOR-1759

**WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision 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' (WV DHHR) Common Chapters Manual. This fair hearing was convened on May 28, 2015, on an appeal filed April 6, 2015.

The matter before the Hearing Officer arises from the March 26, 2015 decision by the Respondent to issue to the Appellant \$16 per month in Supplemental Nutritional Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Representative Tina Marcum, Economic Service Worker. The Appellant appeared *pro se*. The participants were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 WV Income Maintenance Manual (IMM), Chapter 10, §10.4.B
- D-3 WV IMM, Chapter 10, §10.4.C
- D-4 WV IMM, Chapter 12, §12.15.A
- D-5 Letter from Department to Appellant, dated March 26, 2015
- D-6 Screen prints from Appellant's case record listing the calculations used in determining her monthly SNAP allotment
- D-7 WV IMM, Chapter 10, Appendix A
- D-8 WV IMM, Chapter 10, Appendix C
- D-9 WV IMM, Chapter 10, Appendix B

Appellant's Exhibits:

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) On March 26, 2015, the WV Department of Health and Human Resources (herein the Department) issued to the Appellant a letter (Exhibit D-5) informing her that her monthly allotment of SNAP benefits would be \$16 per month beginning in May 2015. The Appellant requested a fair hearing to protest the SNAP allotment amount.
- 2) The Department issued the March 26 letter after it recalculated the Appellant's monthly SNAP issuance based on a Cost-of-Living Adjustment (COLA) raise applied to all Social Security and Supplemental Security Insurance (SSI) recipients. The Appellant's SNAP allotment amount prior to March 2015 was \$16.
- 3) The Appellant lives in [REDACTED] in [REDACTED]. In this apartment building, all essential utilities such as electricity, water, sewer and garbage are included in the rent. The residents must pay for telephone, cable television, and other non-essential services. All apartments in this building use electricity for heating and cooling.
- 4) The income calculations, including all applicable deductions, the Department used in determining the Appellant's monthly SNAP allotment amount (Exhibit D-6) are summarized as follows:
 - The Appellant receives SNAP benefits for an assistance group (AG) of one person, herself.
 - She receives \$753 per month in unearned income.
 - She receives a standard deduction from her income in the amount of \$155 per month. The amount of her income after this deduction, her adjusted income, is \$598 per month.
 - Her shelter cost (rent) is \$215 per month.
 - She receives a "One-Utility Standard" deduction of \$57 per month from her unearned income.
 - 50% of her adjusted income is \$299. The combined amount of her shelter costs and the One-Utility Standard deduction is \$272. Because the combined amount of her shelter and utility costs is less than 50% of her adjusted income, she does not qualify for a shelter and utility deduction from her income.
 - The maximum amount of SNAP benefits for a single-person AG is \$194. 30% of the Appellant's adjusted income of \$598, or \$178, is subtracted from the maximum SNAP allotment to determine her monthly issuance.
 - $\$194 - \$178 = \$16$.

APPLICABLE POLICY

The WV Income Maintenance Manual (WV IMM) Chapter 10, §10.4.B describes the manner in which income is counted toward calculating a SNAP AG's monthly benefit issuance. This section indicates that all SNAP assistance groups receive a standard deduction from total gross income. §10.4.B.7 describes the manner in which a SNAP AG may receive an income deduction for shelter and utility costs. §10.4.B.7.b states that because utility costs fluctuate, the Department has established certain utility cost allowances which remain fixed so that AG members do not have to report their utility costs every month. These allowances include the Heating and Cooling Standard, for AGs that pay a monthly cost for heating and/or cooling their homes, the Non-Heating and Cooling Standard, for AGs that pay monthly utilities but not specifically for heating or cooling, and the One-Utility Standard, for AGs that pay only one utility bill separate from shelter costs.

WV IMM Chapter 10, §10.4.B.7.b(3) reads as follows in part:

[SNAP Assistance Groups or] AGs that do not qualify for the [Heating and Cooling Standard] or the [Non-Heating and Cooling Standard] but incur one utility expense are eligible for the [One-Utility Standard] . . . The utility cost must be separate and apart from the rent or mortgage payment of the residence.

DISCUSSION

The Appellant did not dispute the calculations used in determining her SNAP monthly allotment, including her income and shelter/utility costs. She testified that she had lived in the state of [REDACTED] before moving to West Virginia, and her SNAP allotment was much higher there, even though her income, shelter and utility costs were nearly the same. She testified she lived with family members in another West Virginia county when she first moved from [REDACTED] and an Economic Service Worker in that county assured her when she moved into her own home, her SNAP monthly allotment would increase.

The Department's representative testified that the Department could apply only the deductions to the Appellant's income which are allowed by policy. She stated that she did not have any information regarding the manner in which the Appellant's SNAP benefits were calculated in another state, nor did she have control over possibly erroneous information given to the Appellant by a worker in another DHHR office.

CONCLUSIONS OF LAW

The Appellant did not present evidence or testimony to indicate the Department incorrectly calculated her monthly SNAP allotment. The Department was correct in determining that the Appellant's SNAP allotment was \$16 per month, pursuant to WV IMM §10.4.B.

DECISION

It is the decision of the state Hearing Officer to **uphold** the Department's determination that the Appellant should be issued \$16 per month in SNAP benefits.

ENTERED this 3rd Day of June, 2015.

Stephen M. Baisden
State Hearing Officer