



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

Karen L. Bowling  
Cabinet Secretary

August 13, 2015



RE: [REDACTED] v. WVDHHR  
ACTION NO.: 15-BOR-1907

Dear Mr. [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,

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

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

cc: Tina Lewis, WVDHHR

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

██████████,

**Appellant,**

v.

**Action Numbers: 15-BOR-1907**

**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' Common Chapters Manual. This fair hearing convened on August 11, 2015, on an appeal filed April 24, 2015.

The matter before the Hearing Officer arises from the April 8, 2015 decision by the Respondent to decrease Supplemental Nutrition Assistance Program (SNAP) benefits effective May 2015.

At the hearing, the Respondent appeared by Tina Lewis, Economic Services Supervisor, WVDHHR. The Appellant appeared pro se. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Notice of Decision dated April 8, 2015
- D-2 SNAP Budget information from Department's computer system

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) The Appellant is a recipient of Supplemental Nutrition Assistance Program (SNAP), formerly Food Stamp Program, benefits.
- 2) On April 8, 2015, the Department sent the Appellant a Notice of Decision (D-1), indicating that his SNAP benefits would decrease from \$194 to \$29 per month effective May 1, 2015.

- 3) Tina Lewis, Economic Services Supervisor (ESS) with the Department, testified that the Appellant's SNAP benefits decreased because the Department received information via data exchange that the Appellant's monthly Supplemental Security Income (SSI) benefits were \$368 instead of the \$75 that had previously been counted. ESS Lewis indicated that the Appellant receives a total gross monthly income of \$753 in combined Social Security and SSI benefits. She stated that the income correction caused the Appellant's monthly SNAP allotment to decrease. Exhibit D-2 indicates that the Appellant receives the standard SNAP income deduction of \$155, and a shelter/utility deduction based on his shelter/utility costs and reported heating expense. After all allowable deductions, his net countable SNAP income was calculated as \$547 per month.
- 4) The Appellant did not dispute the amount of his monthly income, but testified that he has difficulty purchasing food on \$29 per month. ESS Lewis suggested locations at which the Appellant could receive additional food in the community. While the Appellant receives a Medicaid card from the Department, ESS Lewis indicated that he could provide verification of any monthly out-of-pocket medical expenses, so that he could be evaluated for potential medical deductions.

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual Chapter 10.4.B provides a list of possible income deductions for the SNAP. These deductions include an earned income deduction of 20 percent, standard deduction, dependent care deduction (when the expense is necessary for an Income Group member to accept, continue or seek employment or training, or pursue education which is preparatory to employment), child support deduction, homeless shelter standard deduction, deduction for medical expenses, and shelter/utility deduction.

West Virginia Income Maintenance Manual Chapter 10, Appendix C indicates that the SNAP allotment for a one-person Assistance Group with \$547 in countable monthly income is \$29.

### **DISCUSSION**

Policy provides for deductions when calculating countable net income for SNAP purposes. These deductions include an earned income deduction of 20 percent, standard deduction, dependent care deduction, child support deduction, homeless shelter standard deduction, deduction for medical expenses, and shelter/utility deduction.

The Appellant's countable monthly net income was calculated by the Department as \$547. Policy states that a one-person Assistance Group with \$547 in monthly countable income is entitled to \$29 in SNAP benefits.

### **CONCLUSIONS OF LAW**

The Department acted correctly in decreasing the Claimant's SNAP benefits effective May 2015.

### **DECISION**

It is the decision of the State Hearing Officer to UPHOLD the Department's proposal to decrease SNAP benefits effective October 2015.

**ENTERED this 13th Day of August 2015.**

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**Pamela L. Hinzman**  
**State Hearing Officer**