



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

July 8, 2015



RE: [REDACTED] v. WV DHHR  
ACTION NO.: 15-BOR-2117

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: Carla Addair, Economic Service Supervisor

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

██████████,

**Appellant,**

**v.**

**ACTION NO.: 15-BOR-2117**

**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 July 7, 2015, on an appeal filed May 22, 2015.

The matter before the Hearing Officer arises from the May 20, 2015 decision by the Respondent to reduce the Appellant's Supplemental Nutritional Assistance Program (SNAP) benefits to \$77 per month, due to a change in the Appellant's shelter and utility cost deduction.

At the hearing, the Respondent appeared by Representative Carla Addair, Economic Service Supervisor. The Appellant appeared *pro se*. Appearing as a witness for the Appellant was ██████████, ██████████ Commission on Aging, ██████████. The participants were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Letter from Department to Appellant, dated May 20, 2015
- D-2 Print-out from Appellant's SNAP case record indicating the calculations used in determining her monthly SNAP allotment for March 2015
- D-3 Print-out from Appellant's SNAP case record indicating the calculations used in determining her monthly SNAP allotment for April 2015
- D-4 Print-out from Appellant's SNAP case record indicating the calculations used in determining her monthly SNAP allotment for July 2015
- D-5 Form from ██████████, indicating Appellant's monthly rent
- D-6 WV Income Maintenance Manual (IMM), Chapter 10, §10.4.B.7

**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 May 20, 2015, the WV Department of Health and Human Resources (DHHR) issued to the Appellant a letter (Exhibit D-1) informing her that her monthly allotment of SNAP benefits would be \$77 per month beginning in July 2015. Her previous SNAP allotment amount was \$172. The Appellant requested a fair hearing to protest this reduction.
- 2) In May 2015, an Economic Service Worker at the WV DHHR, [REDACTED] Office, determined that an incorrect rent amount was entered in the Appellant's case record. The case record indicated she paid \$475 per month in rent (Exhibit D-2 and Exhibit D-3). The Appellant actually paid \$158 per month in rent (Exhibit D-5).
- 3) When the worker corrected the rent amount on May 20, 2015, the Appellant's monthly SNAP allotment decreased. Because the decrease occurred so late in the month of May 2015, the change did not take effect until July 2015.
- 4) When the worker recalculated the SNAP monthly allotment based on the lower shelter cost (Exhibit D-4), the Appellant's SNAP monthly allotment correspondingly decreased from \$172 to \$77.

### **APPLICABLE POLICY**

The WV Income Maintenance Manual (WV IMM) Chapter 10, §10.4.B.7 reads, "After all other exclusions, disregards and deductions have been applied [to an individual's income], 50% of the remaining income is compared to the total monthly shelter costs and the appropriate Standard Utility Allowance (SUA). If the shelter costs/SUA exceeds 50% of the remaining income, the amount in excess of 50% is deducted."

### **DISCUSSION**

The Appellant argued that she did not provide false information about her monthly shelter costs. She stated that she provided verification of the correct rent cost, \$158, several times to the Department. She added that she should not be punished for the Department's mistake.

The Department's representative testified that there was no question the Department mistakenly calculated the Appellant's SNAP monthly allotment based on a shelter cost of \$475 per month. She stated that she could find no information in the Appellant's case record to indicate she paid that amount for her rent. She added that the decrease in the Appellant's SNAP monthly allotment

was not a penalty or punishment, but was an adjustment in the allotment to reflect the Appellant's correct shelter cost.

The Department acted correctly to change the Appellant's shelter cost in her SNAP benefit calculations from \$475 per month to \$158 per month, resulting in a decrease in her monthly SNAP allotment from \$172 per month to \$77 per month.

### **CONCLUSIONS OF LAW**

The Appellant verified that she paid \$158 per month in rent. As such, the Department was correct to enter this amount as the shelter cost for the Appellant and to reduce her SNAP monthly allotment accordingly, pursuant to WV IMM §10.4.B.7.

### **DECISION**

It is the decision of the state Hearing Officer to **uphold** the Department's reduction in the monthly amount of the Appellant's SNAP benefits from \$172 per month to \$77 per month in July 2015 due to a change in the shelter cost amount entered in the Appellant's case record.

**ENTERED this 8<sup>th</sup> Day of July, 2015.**

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**Stephen M. Baisden**  
**State Hearing Officer**