



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
1400 Virginia Street
Oak Hill, WV 25901

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

October 8, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-2866

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,

Kristi Logan
State Hearing Officer
Member, State Board of Review

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

cc: Beverly Ballengee, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 15-BOR-2866

**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 was convened on October 6, 2015, on an appeal filed August 20, 2015.

The matter before the Hearing Officer arises from the August 12, 2015, decision by the Respondent to reduce the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Leslie Bonds, Economic Service Supervisor. 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 August 12, 2015 (page 1 of 6)
- D-2 Hearing Request received August 20, 2015
- D-3 Hearing/Grievance Request Notification
- D-4 Scheduling Order (page 2 of 5)
- D-5 Correspondence from Beverly Ballengee to the Appellant dated August 21, 2015
- D-6 Department's Summary

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 completed a SNAP eligibility review on August 11, 2015.
- 2) The Department notified (D-1) the Appellant that his SNAP benefits would be reduced from \$144 to \$77 monthly effective September 1, 2015.
- 3) The reduction in the Appellant's monthly SNAP allotment was due to a decrease in the Appellant's out-of-pocket medical expenses, which previously had been a deduction from his gross income.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §10.4C, contains policy regarding income disregards and deductions, and explains the computations used to determine eligibility for SNAP benefits. Once eligibility is established, the SNAP benefit amount is determined by the countable monthly income (the amount of income that remains after all exclusions, disregards and deductions have been applied) and the number of individuals in the assistance group (AG).

A Standard Deduction (\$155) is applied to the total non-excluded income counted for the AG.

A monthly rent or mortgage expense, homeowners insurance, real property taxes and the Standard Utility Allowance (SUA) is deducted from the total non-excluded income. The Heating/Cooling Standard (\$397) is given to households who are responsible for paying their heating expense.

Reported medical expenses in excess of \$35 monthly are deducted from the total non-excluded income for any elderly or disabled AG members.

After all other exclusions, disregards and deductions have been applied, 50% of the remaining income is compared to the total monthly shelter costs and the appropriate SUA. If the shelter costs/SUA exceeds 50% of the remaining income, the amount in excess of 50% is deducted.

The remaining income is multiplied by 30% and compared to the maximum benefit level for the size of the AG. The difference is the amount of the AG's allotment.

West Virginia Income Maintenance Manual Chapter 10, Appendix A lists the maximum allotments for the size of the AG (\$194 for a one-person AG).

DISCUSSION

The Appellant admitted that he no longer paid for a Medicare supplemental insurance plan from AARP because he could no longer afford the premium. The Appellant reported a home equity loan payment of \$360 monthly, homeowner's insurance premium of \$36 monthly and his heating source of natural gas. The Appellant reported paying for over-the-counter medications. The

Appellant contended that he receives \$860 a month, although according to the Department's records, the Appellant's gross income is \$880 a month. The Appellant could not account for the \$20 deduction from his Social Security income.

SNAP allotments are determined by an individual's countable income, after all allowable deductions have been applied. The Appellant had been receiving a medical expense deduction for a health insurance premium. However, at the time of the Appellant's SNAP review, the health insurance policy had been cancelled and the Appellant was no longer obligated to pay this expense. The loss of the medical expense deduction caused the Appellant's SNAP allotment to decrease, as his countable income increased.

CONCLUSION OF LAW

Whereas the Appellant's countable income increased based on the loss of his medical expense deduction, the Department was correct to adjust his SNAP allotment accordingly.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Department's reduction in the Appellant's Supplemental Nutrition Assistance Program allotment.

ENTERED this 8th day of October 2015

Kristi Logan
State Hearing Officer