



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
P.O. Box 1247
Martinsburg, WV 25402

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

November 18, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-3304

Dear [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,

Lori Woodward
State Hearing Official
Member, State Board of Review

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

cc: Peter VanKleeck, WV DHHR

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

██████████,

Appellant,

v.

ACTION NO: 15-BOR-3304

**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 November 17, 2015, on an appeal filed October 21, 2015.

The matter before the Hearing Officer arises from the October 13, 2015 decision by the Respondent to reduce the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Peter VanKleeck, Economic Service Supervisor. The Appellant was present but was represented by ██████████. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Summary
- D-2 Computer Screen print of October 2015 SNAP Budget from Appellant's eRAPIDS case
- D-3 Computer Screen print of November 2015 SNAP Budget from Appellant's eRAPIDS case
- D-4 Notice of reduction, dated October 13, 2015
- D-5 WV Income Maintenance Manual (IMM) §10.4 (excerpt)

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 applied for SNAP benefits on September 17, 2015, and was interviewed on September 22, 2015. (Exhibit D-1)
- 2) The Appellant receives \$572 in Retirement, Survivors, and Disability Insurance (RSDI) income and \$181 from Social Security Income (SSI), for a gross monthly total of \$753. These amounts were confirmed with the State On-Line Query (SOLQ). (Exhibits D-1 and D-3)
- 3) The Appellant has rent expense of \$400 per month, which includes all utilities. (Exhibits D-1 and D-3)
- 4) The Appellant's SSDI income was entered incorrectly as \$552 by the interviewing worker which resulted in an incorrect SNAP allocation for the month of October 2015. (Exhibits D-1 and D-2)
- 5) The SSDI income was corrected, which resulted in a reduction of the Appellant's SNAP allotment for November 2015. (Exhibit D-3)
- 6) The Respondent sent notification to the Appellant regarding this reduction on October 13, 2015. (Exhibit D-4)
- 7) The Appellant did not contest the income used and conceded that the \$572 is the correct amount she receives for RSDI.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (IMM) §3.3.D.2, State On-line Query (SOLQ), explains that SOLQ provides direct access to Social Security Administration's databases. Information received includes SSI and RSDI details. Requests can be made only for individuals known to eRAPIDS within the previous 5 years. This information is considered verified upon receipt for SNAP, and is not subject to independent verification.

IMM §10.4.B.7 explains that shelter and utility expenses may be deducted after all other exclusions, disregards and deductions have been applied. Then 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. The deduction cannot exceed the shelter/utility cap found in Appendix B.

EXCEPTION: The cap on the shelter/utility deduction does not apply when the SNAP AG includes an individual who is elderly or disabled, as defined in Section 12.15.B.

The expense must be allowed only if the AG is obligated to pay with the resources of the AG. The deduction applies whether the expense is obligated from excluded or non-excluded resources.

IMM Chapter 10, Appendix C, Basis of Issuance, October 1, 2014, lists the SNAP allotments corresponding to adjusted net income calculations.

DISCUSSION

The Appellant's October 2015 SNAP allotment was based on an incorrectly entered amount of RSDI. When the Appellant's income was verified by SOLQ, the mistake was found and was corrected for the Appellant's November 2015 SNAP allotment. SOLQ information is verified upon receipt. The Appellant did not contest the amount of her income.

The Appellant contended that since she has a rent expense of \$400 per month (which includes utilities) the full amount should be used in calculating her shelter/utility deduction amount. She believed the total of \$400 should be directly deducted from her income.

However, per policy, shelter/utility expenses are compared to 50% of the remaining income after all allowable exclusions, disregards and deductions have been applied. If the shelter costs/SUA exceeds 50% of the remaining income, that amount is the allowed shelter/utility deduction. That is, if the shelter costs/SUA exceeds 50% of the remaining income, the amount in excess of 50% is deducted. In the Appellant's case, her total gross monthly income of \$753, less the Standard Deduction for a one (1) person Assistance Group (AG) of \$155, equals a net income of \$598. The \$598 net income is divided by 50%, which equals \$299. The Appellant's rent of \$400 is deducted from the \$299, which equals \$101, which is the excess shelter/utility cost allowed deduction. Thus, the \$101 is deducted from the net income, which equals \$497. This is the net adjusted income which is used to calculate the SNAP allotment as shown in Chapter 10, Appendix C.

CONCLUSION OF LAW

Per policy, the Respondent correctly applied the calculated excess shelter/utility cost to the Appellant's net income to determine her monthly SNAP benefit allotment of \$44 for the month of November 2015.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Department's decision to reduce the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

ENTERED this 18th day of November 2015.

Lori Woodward, State Hearing Official