



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

November 20, 2015



RE: [REDACTED] v. WVDHHR
ACTION NO.: 15-BOR-3307

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: Jessica Koch, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 15-BOR-3307

**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 November 18, 2015, on an appeal filed October 21, 2015.

The matter before the Hearing Officer arises from the Department's calculation of the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits effective November 2015.

At the hearing, the Respondent appeared by Jessica Koch, 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 October 19, 2015
- D-2 Appellant's employment income data from Department's computer system
- D-3 Case Comments from Department's computer system
- D-4 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 October 19, 2015, the Department sent the Appellant a Notice of Decision (D-1), indicating that his SNAP benefits would decrease from \$26 to \$16 per month effective November 1, 2015.
- 3) Jessica Koch, Economic Services Supervisor (ESS) with the Department, reviewed Exhibits D-2, D-3 and D-4, testifying that the Department calculated the Appellant's countable SNAP income in October 2015. At that time, the Department used four of the six pay stubs from [REDACTED] provided by the Appellant to calculate average income. Two of the pay stubs were not included in the average because the hours were substantially less and the Appellant indicated they were not normal pays. The Department calculated the Appellant's gross monthly earned income to be \$958.90. ESS Koch indicated that the Appellant qualifies for a 20 percent earned income deduction of \$191.78 and a standard deduction of \$155 per month from his gross monthly income, but no other deductions were given, as the Appellant's monthly shelter/utility costs do not exceed 50 percent of his adjusted income. Therefore, the Appellant's net monthly countable income is \$612.12 for SNAP purposes.
- 4) The Appellant voiced dissatisfaction with the amount of his SNAP benefits, testifying that he is currently homeless and living in his car. He stated that his car has been inoperable; therefore, he has been unable to see both of his clients and his income has decreased. He stated, however, that his car should be repaired soon and his hours will increase when he is able to travel to his client's home again.

ESS Koch testified that the Appellant's automobile expenses could be used as a SNAP deduction if he is currently residing in his car. She indicated that the Appellant could provide verification of the expenses in order to qualify for potential SNAP 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 \$612 in countable monthly income is \$16.

DISCUSSION

Policy provides for deductions when calculating countable net income for SNAP benefits. 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 correctly calculated by the Department as \$612. Policy states that a one-person Assistance Group with \$612 in net monthly countable income is entitled to \$16 in SNAP benefits.

CONCLUSIONS OF LAW

The Department acted correctly in calculating the Appellant's monthly SNAP allotment as \$16 effective November 2015.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Department's calculation of SNAP benefits effective November 2015.

ENTERED this 20th Day of November 2015.

**Pamela L. Hinzman
State Hearing Officer**

