



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
416 Adams St.
Fairmont, WV 26554

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

December 3, 2015



RE: [REDACTED] v. WVDHHR
ACTION NO.: 15-BOR-3399

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,

Thomas E. Arnett
State Hearing Officer
Member, State Board of Review

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

cc: Justin Thorne, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 15-BOR-3399

**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 December 1, 2015, on an appeal filed November 2, 2015.

The matter before the Hearing Officer arises from the October 20, 2015 decision by the Respondent to deny Appellant's application for benefits provided through the Supplemental Nutrition Assistance Program (SNAP).

At the hearing, the Respondent appeared by Justin Thorne, Economic Services 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 Denial dated 10/20/15

D-2 Employment income verification for ██████████ and ██████████

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) Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits terminated effective September 30, 2015 when she failed to complete an eligibility redetermination/review. As a matter of record, Appellant acknowledged that she had moved to a new address, and because she did not immediately receive all of her mail, she completed a new application for SNAP in October 2015.
- 2) On or about October 20, 2015, Appellant was notified (D-1) that her application for SNAP benefits was denied. The notice indicates that Appellant's household income is too much to receive SNAP benefits.
- 3) Respondent submitted Exhibit D-2, verified income for those individuals who were included in the SNAP Assistance Group (AG), and proffered testimony consistent with the information included in the Notice of Denial (D-1). The Appellant's SNAP AG consists of four (4) members, and pursuant to the West Virginia Income Maintenance Manual, Chapter 10, Appendix A, the monthly gross household income cannot exceed \$2,628. Respondent noted that the gross monthly household income at the time of application was determined to be \$3,649.11.
- 4) Appellant did not dispute Respondent's calculation of the gross monthly household income at the time of application, but argued that she is no longer employed by [REDACTED], and that she will receive her last paycheck from [REDACTED] ([REDACTED]) next week. In addition, Appellant purported that income from [REDACTED] was inconsistent for her and household member [REDACTED].
- 5) Respondent countered by indicating it was not advised the income from [REDACTED] was inconsistent, and that Appellant's monthly household income - which exceeded the maximum allowable income by just over \$1,000 - was calculated based on household income in the 30 days prior to the date of application, as required by policy. Respondent noted that if employment income has changed/decreased, Appellant should complete a new application.

APPLICABLE POLICY

The Code of Federal Regulations, found at 7 CFR §273.9 and 7 CFR §273.10, and the WV Income Maintenance Manual § 10.4.A. provide that income is converted to a monthly amount to determine SNAP eligibility and benefit levels. Conversion of income to a monthly amount is accomplished by multiplying an average of the weekly pay amount by 4.3, and biweekly by 2.15. The methods for reasonably anticipating income include consideration of past income, which considers the income received by all persons in the income group in the 30 calendar days prior to the application/redetermination date. Gross income is the amount of monthly income before any mandatory payroll deductions.

Pursuant to the WV Income Maintenance Manual §10.4.C.1, and the Code of Federal Regulations, gross income is used to determine eligibility when there are no AG members who are elderly or disabled. The AG's gross income must be equal to or less than the gross income limit in Chapter 10, Appendix A.

DISCUSSION

Regulations that govern SNAP stipulate that the AG's gross monthly income is used to determine eligibility when there are no AG members who are elderly or disabled. The evidence submitted in this case confirms that the Appellant's gross monthly income (\$3,649.11) was correctly calculated based on the income verifications provided and clearly exceeds the gross monthly allowable income limit (\$2,628) for a four (4)-person SNAP AG.

CONCLUSION OF LAW

The Appellant's gross monthly household income (\$3,649.11) reported in October 2015 clearly exceeds the maximum allowable gross monthly income limit (\$2,628) for a four (4)-person SNAP AG. As a result, Appellant was not eligible for SNAP benefits at the time of application.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Department's action to deny Appellant's October 2015 SNAP application based on excessive gross monthly income.

ENTERED this ____ Day of December 2015.

**Thomas E. Arnett
State Hearing Officer**