



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

January 16, 2015



RE: [REDACTED] v. WV DHHR
ACTION NO.: 14-BOR-3698

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

cc: Tera Pendleton, WV DHHR, [REDACTED] Office

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

██████████,

Claimant,

v.

ACTION NO.: 14-BOR-3698

**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 January 8, 2015, on an appeal filed November 17, 2014.

The matter before the Hearing Officer arises from the November 12, 2014 decision by the Respondent to discontinue the Claimant's receipt of SNAP benefits because her income was above the income guidelines for the program.

At the hearing, the Respondent appeared by Representative Tera Pendleton of the WV DHHR, ██████████ Office. The Claimant appeared *pro se*. Both participants were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Case recordings from November 11, 2014, through December 23, 2014, from Claimant's SNAP case record
- D-2 Employment income screen prints from Claimant's SNAP case record
- D-3 Letter from Department to Claimant dated November 12, 2014
- D-4 WV DHHR Income Maintenance Manual (IMM), Chapter 10, Appendix A

Claimant's Exhibits:

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence, 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 November 12, 2014, the WV Department of Health and Human Resources (DHHR) issued to the Claimant a letter (Exhibit D-3) informing her that the Department was terminating her receipt of SNAP benefits due to excessive income.
- 2) The Claimant's SNAP assistance group (AG) consisted of herself, her fiancée and their daughter. The gross income for the AG was entered on the Employment Income screen of the Claimant's computerized case record (Exhibit D-2). The gross income for the Claimant's AG was \$2170.16 for the month of October 2014.
- 3) The income limit for SNAP is 130% of the Federal Poverty Level. There are three individuals in the Claimant's SNAP AG. 130% of the Federal Poverty Level for a three-person household is \$2144 per month.
- 4) The Claimant did not dispute the amount of her SNAP AG's gross income. She stated that her SNAP AG was only \$26 above the gross income limit for SNAP. She stated that she did not understand why she could not be approved for a decreased amount of SNAP based on the income.
- 5) The Department's representative testified that if the Claimant's income had passed the gross income limit, there were certain deductions that could have lowered the net income so that the household could have been approved for SNAP. However, she added, there are no deductions allowable by policy to decrease gross income.

APPLICABLE POLICY

WV Income Maintenance Manual (WV IMM) Chapter 10, §10.4.C.1 reads as follows in part:

When no AG member is elderly or disabled, the gross income must be equal to or less than the gross income limit in Appendix A. If so, the AG qualifies for the disregards and deductions in Section 10.4.B. If the gross income exceeds the amount in Appendix A, the AG is ineligible.

WV IMM Chapter 10, Appendix A, states that the gross income limit for a SNAP AG of three is 130% of the Federal Poverty Level, or \$2144 per month.

DISCUSSION

The Claimant did not dispute the amount of her SNAP AG's income. She stated that because her AG's income was only \$26 above the income limit, she hoped that she could qualify for some type of income deduction that would lower her income to within the policy guidelines for SNAP. Unfortunately, policy is clear that there are no allowable deductions on a SNAP AG's gross income.

CONCLUSIONS OF LAW

The Department was correct to discontinue the Claimant's eligibility for SNAP benefits due to excessive income, pursuant to WV IMM Chapter 10, §10.4.C.1 and Chapter 10, Appendix A.

DECISION

It is the decision of the state Hearing Officer to **uphold** the Department's decision to discontinue the Claimant's eligibility for SNAP benefits due to excessive income.

ENTERED this 16th Day of January, 2015.

Stephen M. Baisden
State Hearing Officer