



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
2699 Park Avenue, Suite 100
Huntington, WV 25704

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

March 18, 2016

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 16-BOR-1370

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,

Todd Thornton
State Hearing Officer
Member, State Board of Review

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

cc: Susanne Kelly-Crist, Department Representative

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

██████████,

Appellant,

v.

Action Number: 16-BOR-1370

**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 March 15, 2016, on an appeal filed February 24, 2016.

The matter before the Hearing Officer arises from the Respondent's January 21, 2016 determination of the monthly allotment of Supplemental Nutrition Assistance Program (SNAP) benefits for the Appellant.

At the hearing, the Respondent appeared by Susanne Kelly-Crist. Testifying as a witness for the Respondent was ██████████. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

D-1	Screen print of SNAP budget details for the Appellant
D-2	Notice of decision dated January 21, 2016

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 SNAP benefits.
- 2) The Appellant submitted a change reporting form in January 2016.
- 3) The Respondent processed the reported changes and notified the Appellant on January 21, 2016, that her monthly allotment of SNAP benefits would remain the same at \$82.00. (Exhibit D-2)
- 4) The Appellant did not dispute the Respondent's determination of her household size, the level of her gross income or allowed deductions.
- 5) The Appellant did dispute the following disallowed deductions: rental payments for a storage building, church tithes, and medical expenses.
- 6) The Appellant did not report and verify details regarding her medical expenses, either on the reporting form or during the hearing.
- 7) The Appellant does not reside in, or otherwise use the storage building as shelter.
- 8) The Respondent demonstrated that they followed established policy regarding the calculation method used to determine a SNAP allotment amount from the eligibility factors of household size, income and deductions.

APPLICABLE POLICY

The West Virginia Income Maintenance Manual (WVIMM), at §10.4.B, lists deductions and disregards for SNAP, noting that they are “the only allowable disregards and deductions for the SNAP Program [*sic*].” These deductions are: Earned Income Disregard (§10.4.B.1), Standard Deduction (§10.4.B.2), Dependent Care Deduction (§10.4.B.3), Child Support Deduction (§10.4.B.4), Homeless Shelter Standard Deduction (§10.4.B.5), Medical Expenses (§10.4.B.6), and the Shelter/Utility Deduction (§10.4.B.7).

At §10.4.B.7.a, the WVIMM provides a list of shelter costs, which does not include any type of rent or fees for a storage unit.

The WVIMM, at §4.2.C.2, indicates that medical expenses must be verified for SNAP, “prior to approval, at redetermination and when the client reports a change of more than \$25 in total medical expenses.”

DISCUSSION

The Appellant submitted a form to the Respondent intended to report household changes that may affect SNAP eligibility and benefit levels. These reported changes did not increase or decrease the Appellant's monthly allotment of SNAP benefits and the Appellant requested this hearing to appeal the approved level as inadequate.

The parties agreed there was no dispute of the Appellant's household size, gross income or allowed deductions. The Appellant did not contend the Respondent made an error in the calculation process itself, but the Respondent clearly demonstrated there were no errors in calculation. The Appellant's dispute was regarding deductions that were not allowed by the Respondent in determining her SNAP benefit amount.

The Appellant listed the rent for her storage unit and her church tithes on the change form, and the Respondent was correct to not allow these deductions in the SNAP benefit determination process. There is no policy allowing either type of deduction, and neither the Appellant nor the Board of Review is authorized to invent new policy.

The Appellant did not list and verify medical expenses, either on the change form or during this hearing. When asked why she did not list the expenses she wanted the Respondent to consider, she stated she ran out of room on the form. This flippant response rendered her testimony wholly unconvincing. If the Appellant can be bothered to report and verify medical expenses in the future, the Respondent must consider them at that time. However, the Respondent cannot be expected to know the amount of an expense that is not reported, and must not ignore the verification requirements for medical expenses set by policy.

The Respondent was correct in its determination of the Appellant's monthly SNAP allotment.

CONCLUSIONS OF LAW

Because the Respondent used the correct eligibility factors and the correct calculation method for SNAP benefits, the Respondent was correct in its determination of the Appellant's monthly SNAP allotment.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Respondent's determination of the Appellant's monthly SNAP allotment.

ENTERED this ____ Day of March 2016.

**Todd Thornton
State Hearing Officer**