



**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**

August 17, 2016

[REDACTED]

RE: [REDACTED] v. WV DHHR, ACTION NO.: 16-BOR-2279

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 Officer
Member, State Board of Review

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

cc: Rachel Hartman, WV DHHR

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

██████████,

Appellant,

v.

Action Number: 16-BOR-2279

**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 August 11, 2016, on an appeal filed July 14, 2016.

The matter before the Hearing Officer arises from the June 17, 2016 calculation of Supplemental Nutrition Assistance Program (SNAP) benefit allotment by the Respondent.

At the hearing, the Respondent appeared by Rachel Hartman, Economic Service Supervisor. The Appellant appeared *pro se*. Appearing as a witness for the Appellant was her daughter, ██████████. The witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Supplemental Nutrition Assistance Program (SNAP) Application dated May 24, 2016
- D-2 Screen print of Unearned Income from the Appellant's eRAPIDS case
- D-3 Screen print of SNAP budget calculations from the Appellant's eRAPIDS case
- D-3 Notice of closure (EDC1), dated June 17, 2016
- D-4 West Virginia Income Maintenance Manual, Chapter 10, Appendix A
- D-5 West Virginia Income Maintenance Manual, Chapter 9, §9.1 (excerpt)
- D-6 Hearing Summary

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 made an application for SNAP benefits on May 24, 2016, claiming herself and her 21 year-old daughter in the household. (Exhibit D-1)
- 2) The Appellant and her daughter receive Social Security Income of \$733 each for a total of \$1466 gross income each month. (Exhibit D-2)
- 3) The Appellant has a shelter and utility deduction in the amount of \$336.50. (Exhibit D-3)
- 4) The Appellant asserted her daughter requires specialty foods as she suffers from liver disease and other maladies, and therefore should be given more SNAP benefits per month.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (IMM) §9.1, explains that children living with a parent under the age of 22 must be in the same Assistance Group (AG). Additionally, it instructs that when an individual who is included in an AG is absent or is expected to be absent from the home for a full calendar month, he is no longer eligible to be included in the AG.

IMM, Chapter 10, §10.4.C, contains policy regarding income disregards and deductions, and explains the computations used to determine eligibility for SNAP benefits. Once eligibility is established, the SNAP benefit amount is determined by the countable monthly income (the amount of income that remains after all exclusions, disregards and deductions have been applied) and the number of individuals in the assistance group (AG).

A Standard Deduction (\$155) is applied to the total non-excluded income counted for the AG.

After all other exclusions, disregards and deductions have been applied, 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 remaining income is multiplied by 30% and compared to the maximum benefit level for the size of the AG. The difference is the amount of the AG's coupon allotment.

DISCUSSION

The Appellant did not dispute the amount of income or rent amount the Respondent used in determining her SNAP allotment. She requested that she be allowed more SNAP benefits because her daughter suffers from liver disease among other maladies requiring her to be on a restricted diet, which the Appellant asserted she cannot afford. Unfortunately, policy does not

allow for any special circumstances wherein it would allow additional monies for special dietary needs. The Board of Review does not have jurisdiction to change or modify correct SNAP calculations. Instead, the Board of Review must decide whether findings of the Department are correct, by evaluating and weighing the facts and evidence presented, and reviewing whether the Department followed policy, statute and regulation.

After reviewing and evaluating the evidence presented, the Respondent is found to have correctly calculated the Appellant's SNAP benefit allotment. No additional deductions were identified.

CONCLUSIONS OF LAW

The Respondent followed policy in determining the Appellant's SNAP allotment; her benefits were correctly calculated as \$64 monthly.

DECISION

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

ENTERED this 17th day of August 2016.

Lori Woodward, State Hearing Officer