



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
1400 Virginia Street
Oak Hill, WV 25901

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

December 8, 2016

[REDACTED]
[REDACTED]
[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 16-BOR-2980/16-BOR-2981

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,

Kristi Logan
State Hearing Officer
Member, State Board of Review

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

cc: Beverly Ballengee, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Numbers: 16-BOR-2980/16-BOR-2981

**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 8, 2016, on an appeal filed November 9, 2016.

The matter before the Hearing Officer arises from the November 2, 2016 decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) and Adult Medicaid benefits.

At the hearing, the Respondent appeared by Beverly Ballengee, Family Support Supervisor. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

D-1 Scheduling Order

D-2 Hearing Request Notification

D-3 Hearing Request dated November 2, 2016

D-4 Notices of Decision dated November 2, 2016 and November 15, 2016

D-5 Paystubs from ██████████ dated September 23, 2016, October 7, 2016, October 14, 2016, October 21, 2016, and Payroll Register from August 20, 2016, through September 19, 2016

D-6 West Virginia Income Maintenance Manual §§10.4(A), 10.8 and Chapter 10 Appendix A

D-7 Department's 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 completed a SNAP and Adult Medicaid review on October 12, 2016.
- 2) The Appellant's gross monthly income was calculated as \$1517.39.
- 3) The Respondent notified (D-4) the Appellant on November 2, 2016, that her SNAP and Adult Medicaid benefits would close effective December 1, 2016, due to excessive income.
- 4) Upon receipt of the Appellant's request for hearing, the Respondent recalculated the Appellant's income by excluding an unusually large paystub and determined the Appellant's gross monthly income to be \$1438.01.
- 5) The Respondent notified (D-4) the Appellant its decision on November 15, 2016.
- 6) The income limit for SNAP benefits for a one-person Assistance Group is \$1,287.
- 7) The income limit for Adult Medicaid benefits for a one-person Assistance Group is \$1,317.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §10.4(A)(1) states SNAP eligibility is determined and benefits are issued on a monthly basis. Therefore, it is necessary to determine a monthly amount of income to count for the eligibility period. For all cases, the Worker must determine the amount of income that can be reasonably anticipated for the AG. For all cases, income is projected; past income is used only when it reflects the income the client reasonably expects to receive.

There are 2 methods for reasonably anticipating the income the client expects to receive. One method uses past income and the other method uses future income. Use past income only when both of the following conditions exist for a source of income: income from the source is expected to continue into the certification period and the amount of income from the same source is expected to be more or less the same. Use future income when either of the following conditions exist for a source of income: income from a new source is expected to be received in the certification period or the rate of pay or the number of hours worked for an old source is expected to change during the certification period.

West Virginia Income Maintenance Manual §10.6B states that Adult Medicaid eligibility is determined on a monthly basis. Therefore, it is necessary to determine a monthly amount of income to count for the eligibility period. For all cases, the Worker must determine the amount of income that can be reasonably anticipated for the Assistance Group (AG). For all cases, income is

projected; past income is used only when it reflects the income the client reasonably expects to receive.

West Virginia Income Maintenance Manual Chapter 10 Appendix A lists the income limit for Adult Medicaid benefits (133% Federal Poverty Level) for an AG of one as \$1,317. The income limit for SNAP benefits (130% FPL) for an AG of one is \$1,287.

DISCUSSION

To determine eligibility for a new SNAP and Adult Medicaid certification period, income that can be reasonably anticipated to be received by the recipient is used.

The Appellant received overtime pay on the paystubs she submitted with her SNAP and Adult Medicaid application. The Appellant contended that her employer was understaffed, and that overtime was not typical.

The Appellant testified that for the month of November 2016, she received \$1,308 from employment. This income is excessive to continue receiving SNAP and Adult Medicaid benefits.

CONCLUSIONS OF LAW

- 1) The gross monthly income limit for a one-person Assistance Group to receive SNAP benefits is \$1,287.
- 2) The gross monthly income limit for a one-person Assistance Group to receive Adult Medicaid benefits is \$1,317.
- 3) The Appellant's gross monthly income exceeds the allowable limit to continue receiving SNAP and Adult Medicaid benefits.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program and Adult Medicaid benefits.

ENTERED this 8th day of December 2016

Kristi Logan
State Hearing Officer