



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
203 East Third Avenue
Williamson, WV 25661

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

February 1, 2017

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-1030

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

cc: Julie Luckey, WV DHHR, [REDACTED] County Office

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

██████████,

Appellant,

v.

ACTION NO.: 17-BOR-1030

**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 31, 2017, on an appeal filed January 5, 2017.

The matter before the Hearing Officer arises from the decision by the Respondent not to increase the Appellant's monthly allotment of Supplemental Nutrition Assistance Program (SNAP) benefits because she pays a monthly personal loan installment.

At the hearing, the Respondent appeared by Representative Julie Luckey, Economic Service Worker. The Appellant appeared *pro se*. The participants were sworn. Neither the Department's representative nor the Appellant submitted any documentation into evidence for the hearing.

After a review of the record, including testimony and stipulations admitted into evidence at the hearing, and after assessing the credibility of the witnesses, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) The Appellant is a recipient of SNAP benefits. Her SNAP monthly allotment was reduced after she was approved for Social Security – Disability (RSDI).
- 2) While the Appellant was in the process of obtaining her RSDI benefits, she could not work. During this period of time, she accepted money from a friend in order to remain current with her financial obligations.

- 3) After she was awarded RSDI, she began repaying the friend \$200 per month.
- 4) The Appellant wanted the Department to count the loan repayment as a shelter deduction from her income in her monthly SNAP allotment calculations. The Department did not allow this as a deduction.
- 5) The Appellant requested a fair hearing because the Department did not allow the loan repayment to be counted as a shelter expense.

APPLICABLE POLICY

WV Income Maintenance Manual (WV IMM) Chapter 10, §10.4.B.7.a reads as follows in part:

Items considered in arriving at shelter costs are the continuing amounts of:

- Rent. Security or damage deposits are not a shelter expense;
- Mortgage payments. This includes second mortgages and home equity loans and any other loans for which the dwelling is used as collateral;
- Interest on mortgage payments;
- Condominium and association fees, regardless of purpose for the fees;
- Payments paid to an escrow account that has been established to pay property taxes and homeowner's insurance;
- Property taxes and special tax assessments on the structure and lot required by State or local law. This does not include assessments such as police and fire fees, unless the fee is based on property valuation;
- Insurance on the structure and lot. This does not include insurance on furniture or personal belongings. If the insurance cost on the structure and the cost on the personal belongings/furniture cannot be identified separately, the entire insurance payment is allowed;
- Cost of repairing the home which was damaged or destroyed due to a natural disaster or misfortune including, but not limited to, fire, flood or freezing temperatures. This does not include charges that will be or have been reimbursed from any source such as insurance, private agency, etc.;
- A car payment when the homeless [Assistance Group or] AG lives in the vehicle;
- Insurance on the vehicle itself when the homeless AG lives in the vehicle.

DISCUSSION

The Appellant requested this fair hearing because she believed loan payments she made to a friend who helped her financially while she was unable to work and trying to obtain RSDI benefits should be counted as a shelter expense in determining her monthly SNAP benefit

allotment. The Department's representative stated that by policy, loan payments were not an allowable income deduction.

The Appellant testified that she was not able to work during the lengthy process of trying to obtain RSDI. She testified that during this period of time, a friend loaned her the money to meet her monthly financial obligations. She stated that when she was approved for RSDI, she began repaying the friend \$200 per month.

The Appellant stated that while she was unable to work and trying to obtain RSDI, she applied for and received SNAP. She stated that she had to report the money she received from her friend during SNAP applications and benefit reviews. She stated that since she had to report the money her friend gave to her, the Department should be able to count the money she repaid to her friend as a shelter deduction.

The Department's representative stated that only certain types of monthly payments could be counted as a shelter deduction, and loan payments were not one of these types.

SNAP policy, found in WV IMM §10.4.B.7.a, provides a list of monthly payments which may be included in determining a household's shelter cost. Loan repayments are not included in this list unless the repayments are for a loan wherein the recipient's home is used as collateral. The Appellant did not provide evidence to show that she used her home as collateral for the loan from her friend.

CONCLUSION OF LAW

The Appellant's monthly loan payment is not an acceptable shelter or utility cost, according to WV IMM §10.4.B.7.a. The Department acted correctly not to include this payment in calculating her monthly SNAP allotment.

DECISION

It is the decision of the state Hearing Officer to **uphold** the Department's decision not to include the Appellant's monthly loan payments in calculating her SNAP monthly allotment.

ENTERED this 1st Day of February, 2017.

Stephen M. Baisden
State Hearing Officer