



**State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241**

**Jim Justice
Governor**

**Bill J. Crouch
Cabinet Secretary**

February 1, 2017



RE: [REDACTED] v. WVDHHR
ACTION NO.: 17-BOR-1052

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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

cc: Jessica Koch, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 17-BOR-1052

**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 convened on January 31, 2017, on an appeal filed January 9, 2017.

The matter before the Hearing Officer arises from the Department's reduction of the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits effective February 2017.

At the hearing, the Respondent appeared by Jessica Koch, Economic Services Supervisor, WVDHHR. The Appellant appeared pro se. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Income Summary from Department's computer system
- D-2 SNAP Budget information from Department's computer system

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 Supplemental Nutrition Assistance Program (SNAP), formerly Food Stamp Program, benefits.
- 2) On January 3, 2017, the Department sent the Appellant a Notice of Decision indicating that her SNAP benefits would decrease from \$194 to \$37 per month effective February 2017.
- 3) The Appellant's gross monthly income was calculated as \$680.50, which includes \$334 per month in Social Security benefits and \$346.50 in Supplemental Security Income (SSI).
- 4) As the Appellant is currently homeless and has no shelter/utility expenses, the only income deduction to which she is entitled is the standard deduction of \$157, bringing her total net countable income to \$523.50 for SNAP purposes.
- 5) The Appellant testified that she is currently homeless and is living in her automobile. She indicated that she was evicted from her previous residence and was incarcerated last fall. She stated that she was unable to go to the WVDHHR office following the eviction to obtain additional assistance for housing due to her incarceration. She is currently attempting to obtain housing.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 10.4.B provides a list of possible income deductions for the SNAP. These deductions include an earned income deduction of 20 percent, standard deduction, dependent care deduction (when the expense is necessary for an Income Group member to accept, continue or seek employment or training, or pursue education which is preparatory to employment), child support deduction, homeless shelter standard deduction, deduction for medical expenses, and shelter/utility deduction.

West Virginia Income Maintenance Manual Chapter 10, Appendix C indicates that the SNAP allotment for a one-person Assistance Group with \$523 in countable monthly income is \$37.

DISCUSSION

Policy provides for deductions when calculating countable net income for SNAP benefits. These deductions include an earned income deduction of 20 percent, standard deduction, dependent care deduction, child support deduction, homeless shelter standard deduction, deduction for medical expenses, and shelter/utility deduction.

The Appellant's countable monthly net income was correctly calculated by the Department as \$523.50. Policy states that a one-person Assistance Group with \$523 in net monthly countable income is entitled to \$37 in SNAP benefits. Therefore, the Department's proposal to decrease SNAP benefits is correct.

CONCLUSIONS OF LAW

The Department acted correctly in calculating the Appellant's monthly SNAP allotment as \$37 effective February 2017.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Department's calculation of SNAP benefits effective February 2017.

ENTERED this 1st Day of February 2017.

**Pamela L. Hinzman
State Hearing Officer**