



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

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

May 30, 2017

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-1585

Dear Mr. [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 Number: 17-BOR-1585

**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 May 30, 2017, on an appeal filed April 3, 2017.

The matter before the Hearing Officer arises from the January 30, 2017, decision by the Respondent to reduce the Appellant's Supplemental Nutrition Assistance Program (SNAP) 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 Notice of Decision dated January 30, 2017
- D-2 Hearing Request Notification
- D-3 Board of Review Scheduling Order
- D-4 SNAP Budget Screen Print
- D-5 West Virginia Income Maintenance Manual §10.4(C)
- D-6 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 was a recipient of SNAP benefits.
- 2) The Respondent notified the Appellant on January 30, 2017, that his SNAP benefits would be reduced from \$181 to \$70 monthly, effective March 1, 2017 (Exhibit D-1).
- 3) The Appellant receives \$735 monthly in Supplemental Security Income (SSI).
- 4) The Appellant pays for his heating cost of fuel oil and contributes to his mother's monthly mortgage obligation, with whom he resides.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §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 (\$157) is applied to the total non-excluded income counted for the AG.

A monthly rent or mortgage expense, homeowners' insurance, real property taxes and the Standard Utility Allowance (SUA) is deducted from the total non-excluded income. The Heating/Cooling Standard (\$455) is given to households who are responsible for paying their heating expense.

Reported medical expenses in excess of \$35 monthly are deducted from the total non-excluded income for any elderly or disabled AG members.

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 SUA. If the shelter costs/SUA exceeds 50% of the remaining income and the AG consists of an elderly or disabled individual, 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 SNAP allotment.

West Virginia Income Maintenance Manual Chapter 10, Appendix A lists the maximum allotments for the size of the AG (\$194 for a one-person AG).

DISCUSSION

The SNAP allotment is determined by an Assistance Group's countable income, after all allowable deductions have been applied.

The Respondent received information that the Appellant started receiving SSI in January 2017. The addition of this income, when there had previously been no income listed in the Appellant's case, caused a reduction in the SNAP benefit. The Appellant did not dispute the amount of SSI listed in his case, but reported that he pays approximately \$150 monthly towards his mother's mortgage obligation.

The Appellant reported the shelter expense in April 2017, when he requested the hearing, however, the expense had not previously been reported and had not been verified. In order to receive a deduction for money the Appellant contributes toward the mortgage, the expense must be reported and verified.

Based on the Appellant's income and reported hearing cost deduction, the Respondent was correct to reduce the Appellant's SNAP benefits effective March 1, 2017.

CONCLUSIONS OF LAW

- 1) The SNAP benefit amount is determined by the countable monthly income that remains after all exclusions, disregards and deductions have been applied and the number of individuals in the Assistance Group.
- 2) The Appellant's SNAP benefits were reduced effective March 1, 2017, due to the onset of SSI.
- 3) The Appellant did not report a shelter expense until April 2017.
- 4) The Respondent was correct to reduce the Appellant's SNAP benefits based on an increase in income.

DECISION

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

ENTERED this 30th day of May 2017

**Kristi Logan
State Hearing Officer**