



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

August 10, 2017

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-2121

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: Ashley Adams, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 17-BOR-2121

**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 8, 2017, on an appeal filed July 17, 2017.

The matter before the Hearing Officer arises from the July 3, 2017, decision by the Respondent to reduce the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Ashley Adams, Economic Service Worker. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

D-1 Hearing Request Notification

D-2 Board of Review Scheduling Order dated July 25, 2017

D-3 Notice of Decision dated July 3, 2017

D-4 Income Verification for May 2017 and June 2017

D-5 Case Comments from May 2017-July 2017

D-6 West Virginia Income Maintenance Manual Chapter 10 Appendix B and §10.4

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 received SNAP benefits in the amount of \$194 a month.
- 2) The Appellant reported that he earned \$120 in May 2017 and \$250 in June 2017 doing odd jobs (Exhibit D-4).
- 3) The Respondent notified the Appellant on July 3, 2017, that his SNAP benefits would be reduced from \$194 to \$181 monthly, effective August 2017 (Exhibit D-3).

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, homeowner's 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. Households are given the Non-Heating/Cooling Standard (\$246) if they pay utilities that do not include the heating expense, and the One Utility Standard (\$75) is given to households paying only one utility 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, 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 allotment.

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

DISCUSSION

Pursuant to policy, monthly SNAP allotments are determined by an individual's countable income, after all allowable deductions have been applied.

The Appellant reported the onset of earned income, and when added to his case, caused a reduction in his monthly SNAP allotment.

The Appellant did not dispute the amount of earned income on record, but contended that he requested the hearing because the Respondent has failed to update his physical address since October 2016. The Appellant reported the onset of a rental obligation of \$200 monthly, which he pays off doing yard work.

The Respondent was correct to reduce the Appellant's monthly SNAP allotment due to an increase in income. Although the Appellant reported a rental obligation at the hearing, this expense had not been reported at the time of the SNAP reduction, and was not a factor in the determination of his August 2017 allotment.

CONCLUSIONS OF LAW

Whereas the Appellant's countable income increased based on the onset of earned income, the Respondent was correct to adjust his SNAP allotment in accordance with policy.

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 monthly allotment.

ENTERED this 10th day of August 2017

Kristi Logan
State Hearing Officer

