



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

October 13, 2017

[REDACTED]

RE: [REDACTED] v. WVDHHR  
ACTION NOS.: 17-BOR-2527 and 17-BOR-2528

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,

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

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

cc: Charla Owens, WVDHHR

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

██████████,

**Appellant,**

v.

**Action Numbers: 17-BOR-2527 & 17-BOR-2528**

**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 October 4, 2017, on an appeal filed September 20, 2017.

The matter before the Hearing Officer arises from the Respondent's termination of the Appellant's Supplemental Nutrition Assistance Program (SNAP) and Adult Medicaid benefits effective October 2017.

At the hearing, the Respondent appeared by Charla Owens, Family Support Supervisor, WVDHHR, and Patricia Lucente, Economic Service Worker, WVDHHR. 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 September 8, 2017
- D-2 SNAP E&T New Employee Information Request
- D-3 Appellant's pay stub dated September 7, 2017
- D-4 West Virginia Income Maintenance Manual Chapters 10.4, 10.8 and 10, Appendix A

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 Supplemental Nutrition Assistance Program (SNAP) and Adult Medicaid benefits.
- 2) On September 8, 2017, the Respondent sent the Appellant a Notice of Decision (D-1) indicating that his SNAP and Adult Medicaid benefits would stop effective October 2017 based on excessive income.
- 3) The adverse actions occurred after the Respondent received a SNAP Employment & Training (E&T) New Employee Information Request form, indicating that the Appellant began working at [REDACTED] on August 21, 2017. The form states that the Appellant would work 40 hours per week at a pay rate of \$9.50 per hour.
- 4) As the Appellant is paid semi-monthly, the Respondent calculated semi-monthly pay by using the weekly hours and pay rate (40 hours x \$9.50 per hour = \$380 per week). The weekly pay rate was then converted to a monthly rate ( $\$380 \times 4.3 = \$1,634$ ) and divided by two to obtain an average semi-monthly pay ( $\$1,634/2 = \$817$  semi-monthly pay). Based on an average gross monthly pay of \$1,634, the Respondent determined that the Appellant's income is excessive for the SNAP and Adult Medicaid Programs.
- 5) The Appellant questioned the Respondent's methodology for anticipating his pay.

## **APPLICABLE POLICY**

West Virginia Income Maintenance Manual Chapter 10, Appendix A (D-4) states that the monthly gross income limit for a one-person SNAP Assistance Group is \$1,307, and 133 percent of the Federal Poverty Level for a one-person household for Modified Adjusted Gross Income (MAGI) Medicaid purposes is \$1,337 per month.

West Virginia Income Maintenance Manual Chapter 10.8.B.2 (D-4) states that the applicant's Medicaid household consists of the applicant, the tax filer claiming them as a dependent (this could be two people filing jointly), any other dependents in the tax filer's household, and the applicant's spouse if they reside together.

West Virginia Income Maintenance Manual Chapter 10.8.D states that to calculate MAGI Medicaid eligibility, determine the AGI (Adjusted Gross Income) figure for each member of the MAGI household whose income will count, for the current month. When applicable, the worker will use the budgeting method established in Section 10.6, part B, titled "Budgeting Method" to anticipate future income amounts, consider past income sources, and build monthly income amounts based upon the applicant's reported income.

West Virginia Income Maintenance Manual Chapter 10.6.B states:

1. Methods for Reasonably Anticipating Income

There are two methods for reasonably anticipating the income the client expects to receive. One method uses past income and the other method uses future income. Both methods may be used for the same AG for the same certification period because the method used varies with the circumstances of each source of income. The situations which prompt usage of one or the other method are listed below. More details are contained in the following items.

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 or POC; and
- The amount of income from the same source is expected to be more or less the same.

**NOTE:** For these purposes, the same source of earned income means income from the same employer, not just the continued receipt of earned income.

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 POC; or
- The rate of pay or the number of hours worked for an old source is expected to change during the certification period or POC.

West Virginia Income Maintenance Manual Chapter 10.6.B.3 states:

## 2. Consideration of Future Income

When the client reasonably expects to receive income from a new source during the new certification period or POC, or when the amount of income from an old source is expected to change, the worker must consider the income which can be reasonably expected to be received.

West Virginia Income Maintenance Manual Chapter 10.4.A.4 states that conversion of income to a monthly amount is accomplished by multiplying an actual or average amount as follows:

- Weekly amount x 4.3
- Bi-weekly amount (every 2 weeks) x 2.15
- Semi-monthly (twice/month) x 2

## **DISCUSSION**

Policy states that when the client reasonably expects to receive income from a new source during the new certification period, or when the amount of income from an old source is expected to change, the worker must consider the income which can be reasonably expected to be received.

The Appellant's countable monthly gross income was calculated as \$1,634 effective October 2017 based on information obtained from his new employer.

Policy states that the income limit for a one-person SNAP Assistance Group is \$1,307. Therefore, the Respondent's decision to terminate SNAP benefits is correct.

The Appellant's projected income exceeds 133 percent of the Federal Poverty Level - \$1,337 per month - for a one-person MAGI Medicaid Assistance Group. Therefore, the Respondent's decision to termination Adult Medicaid benefits is correct.

### **CONCLUSION OF LAW**

The Respondent acted correctly in terminating the Appellant's SNAP and Adult Medicaid benefits effective October 2017.

### **DECISION**

It is the decision of the State Hearing Officer to UPHOLD the Respondent's termination of SNAP and Medicaid benefits effective October 2017.

**ENTERED this 13th Day of October 2017.**

---

**Pamela L. Hinzman  
State Hearing Officer**