



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

Bill J. Crouch
Cabinet Secretary

Jolynn Marra
Interim Inspector General

September 20, 2018

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 18-BOR-2313

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
Patricia Lucente, WVDHHR

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

██████████,

Appellant,

v.

Action Numbers: 18-BOR-2313

**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 September 20, 2018 on an appeal filed August 31, 2018.

The matter before the Hearing Officer arises from the Respondent's reduction of the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits due to an increase in income.

At the hearing, the Respondent appeared by 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 August 16, 2018
- D-2 Worker's Compensation income verification
- D-3 West Virginia Income Maintenance Manual Chapter 4, Appendix A
- D-4 SNAP Budget information
- D-5 West Virginia Income Maintenance Manual Chapters 4.4.3.A and 4.4.3.B and Chapter 4, Appendix B

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) benefits.
- 2) The Appellant's SNAP case was pended for verification of Worker's Compensation income.
- 3) On August 3, 2018, the Respondent received documentation verifying that the Appellant receives \$373.35 per week in Worker's Compensation benefits (D-2). The Respondent's worker calculated the Appellant's gross monthly income as \$1,605.41 by multiplying \$373.35 x 4.3 (the multiplier used to calculate monthly income when an individual is paid weekly).
- 4) The Respondent determined that the Appellant's countable net income - after receiving the maximum allowable deductions for rent and utilities - is \$910.41
- 5) Three individuals reside in the Appellant's household. However, one of the household members is permanently disqualified from SNAP participation due to a drug felony conviction. Therefore, the Appellant's SNAP allotment is based on a two-person Assistance Group.
- 6) Based on the increase in income, the Appellant's SNAP benefits decreased from \$352 to \$79 per month (D-1 and D-4).

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 4, Appendix A (D-3) states that the monthly gross income limit for a two-person SNAP Assistance Group is \$1,760.

Chapter 4, Appendix C of the Manual states that a two-person SNAP Assistance Group with a net adjusted income of \$910.41 is eligible for \$79 per month in SNAP benefits.

DISCUSSION

Policy states that an Assistance Group with a net adjusted monthly income of \$910.41 is eligible to receive \$79 in SNAP benefits.

The Appellant did not dispute the Respondent's calculation of income or deductions, but testified that he has no money remaining after paying household expenses. He believes that \$79 per month is an insufficient amount of SNAP benefits, and indicated that he must pay for infant formula.

While the Appellant's concerns are noted, the Respondent acted in accordance with policy in reducing his SNAP benefits.

CONCLUSION OF LAW

The Respondent acted correctly in reducing the Appellant's SNAP benefits from \$352 to \$79 per month based on an increase in income.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Respondent's reduction of SNAP benefits.

ENTERED this 20th Day of September 2018.

**Pamela L. Hinzman
State Hearing Officer**