



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL**

**Bill J. Crouch
Cabinet Secretary**

**BOARD OF REVIEW
Berkeley County DHHR
PO Box 1247
Martinsburg, WV 25402**

**Jolynn Marra
Interim Inspector General**

**Si usted tiene preguntas, por favor llame a
Keyla Dominquez o Ana Seymour, 304-267-0100**

November 15, 2018

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 18-BOR-2454

Dear [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,

Lori Woodward
State Hearing Officer
Member, State Board of Review

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

cc: Peter VanKleeck, BCF, [REDACTED] Co. DHHR

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

[REDACTED]

Appellant,

v.

ACTION NO: 18-BOR-2454

**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 [REDACTED]. 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 October 30, 2018, on an appeal filed September 21, 2018.

The matter before the Hearing Officer is whether the Respondent correctly calculated the Appellant's monthly Supplemental Nutrition Assistance Program (SNAP) benefit.

At the hearing, the Respondent appeared by Peter VanKleeck, Family Support Services Supervisor. The Appellant appeared *pro se*. In attendance with the Appellant was [REDACTED], Minister, [REDACTED]. All witnesses were sworn, and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Notice (EDR1) of SNAP reduction, dated September 17, 2018
- D-3 Copy of the Appellant's SNAP Budget screen from his eRAPIDS case for September 2018
- D-4 Copy of the Appellant's SNAP Budget screen from his eRAPIDS case for October 2018
- D-5 West Virginia Income Maintenance Manual (WV IMM) Chapter 4, Appendix A
- D-6 West Virginia Income Maintenance Manual (WV IMM) Chapter 4, §4.4.3

Appellants' Exhibits:

A-1 [REDACTED] Federal Credit Union Statement of Account from August 1 – 31, 2018

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 an Assistance Group (AG) of one (1) for receipt of SNAP benefits.
- 2) The countable gross unearned income amount of \$496.40 was used in calculating the Appellant's September 2018 SNAP benefit allotment. (Exhibit D-3)
- 3) The Respondent's worker verified through the State-On-Line Query (SOLQ) that the Appellant receives Social Security Disability Income (SSDI) of \$1,015 monthly of which a child support garnishment of \$100 was deducted along with \$41.20 withholding for Medicare Part D coverage plan payment. (Exhibit D-1)
- 4) A Standard Deduction of \$164 and a Support Payments Deduction of \$100 were used in calculating the Appellant's SNAP net income amount of \$751. (Exhibit D-4)
- 5) The Appellant has a monthly shelter cost of \$535.24 and is eligible to receive the highest heating and cooling standard (HCS) deduction of \$421 which were used in determining the Excess Shelter Utility Cost of \$580.74 in the calculation of his monthly SNAP benefits. (Exhibit D-4)
- 6) An Excess Medical Expense in excess of \$35 per month is an allowable deduction to determine countable income. (Exhibit D-6)
- 7) The monthly Medicare withholding from the Appellant's SSDI benefit of \$41.20 was not used in the calculation of the Appellant's October SNAP allotment.* (Exhibit D-4)

*This was corrected prior to the hearing and the Appellant's monthly SNAP allotment was adjusted accordingly.
- 8) The Appellant's Net Adjusted Income was calculated to be \$170.25. (Exhibit D-4)
- 9) Thirty percent of the Net Adjusted Income (\$51) was deducted from the SNAP Maximum Allotment of \$192 for the determination of the Appellant's monthly SNAP allotment of \$141 for an AG of one (1). (Exhibit D-4)

APPLICABLE POLICY

WV IMM, Chapter 6, §6.1.2, *IEVS Data Exchanges*, explains that the IEVS (Income and Eligibility Verification System) provides the DHHR with additional sources of information for use in determining eligibility and the amount of the benefit for applicants and clients. This information is provided to the Worker through data exchanges.

Through the eligibility system, DHHR staff receive information obtained through data exchanges with other governmental agencies. The IEVS procedures ensure that appropriate Internal Revenue Service (IRS) privacy and procedural safeguards are applied in the use of the information. The same precautions with privacy and procedural safeguards apply to information received through the Federal Data Hub.

Information obtained through IEVS is used for the following purposes:

- To verify the eligibility of the assistance group (AG)
- To verify the proper amount of benefits
- To determine if the AG received benefits to which it was not entitled
- To obtain information for use in criminal or civil prosecution based on receipt of benefits to which the AG was not entitled. Federal regulations require use of the following data exchanges that are provided using the IEVS:
 - WorkForce West Virginia – Wage and unemployment compensation information (UCI) data is available.
 - Internal Revenue Service (IRS) – Unearned income data is available.
 - Social Security Administration (SSA) – Retirement, Survivors and Disability Income (RSDI), Supplemental Security Income (SSI), and net earnings from self-employment data are available.

WV IMM, Chapter 6, §6.3.4.B, in part, explains that SOLQ provides direct access to SSA's databases. The worker must initially use the Hub for evaluating eligibility for MAGI Medicaid and WVCHIP coverage groups, the Income and Eligibility Verification System (IEVS) data exchange for all other programs, and SOLQ last. Information received includes SSN verification, as well as SSI and RSDI details. Requests can be made only for individuals known to the eligibility system within the previous five years. This information is considered verified upon receipt for SNAP and is not subject to independent verification. [Emphasis added]

WV IMM, Chapter 4, §4.4.2, explains the various items which may be used as income deductions to arrive at a SNAP AG's countable income.

WV IMM, Chapter 4, §4.4.3.B, in part, sets forth the steps used to determine countable income for cases meeting the eligibility tests above.

- Step 1: Combine monthly gross countable earnings and monthly gross profit from self-employment.
- Step 2: Deduct 20% of Step 1.
- Step 3: Add the gross countable unearned income
- Step 4: Subtract the Standard Deduction (\$160)

- Step 5: Subtract allowable Dependent Care Expenses
- Step 6: Subtract the amount of legally obligated child support actually paid
- Step 7: Subtract the Homeless Shelter Standard Deduction found in Appendix B
- Step 8: Subtract allowable medical expenses in excess of \$35
- Step 9: Calculate 50% of the remaining income and compare it to the actual monthly shelter/SUA amount. The Heating/Cooling SUA is \$462
- Step 10: If the shelter/SUA costs are equal to or less than the amount found in step 9, no further computation is needed, the amount from step 8 is the countable income. If the shelter/SUA costs are greater than step 9, the amount in excess of 50% is deducted to arrive at the countable income. Elderly/disabled households are not subject to the shelter/utility cap
- Step 11: Compare the countable income to the maximum net income in Appendix A for the AG size

To determine the SNAP allotment, find the countable income and the number in the AG in Appendix C, Basis of Issuance.

DISCUSSION

The Respondent received a data exchange alert that the Appellant's SSDI benefit of \$496.40 per month which was listed in his SNAP benefits case was incorrect. The Respondent's worker entered the income of \$1,015 per month found in SOLQ and data exchange (which are considered verified upon receipt per policy) and recalculated the Appellant's monthly SNAP allotment. The Appellant's monthly SNAP allotment was reduced from \$192 to \$141. Notice of the reduction was sent to the Appellant on September 17, 2018.

At the hearing, the Appellant contended that the Respondent did not deduct the monthly child support garnishment of \$100 or the \$41.20 for the Medicare Part D that was deducted from his SSDI. The September 17, 2018 notice sent to the Appellant did show that the Respondent deducted the \$100 child support expense; however, no medical expense deduction was given. The Respondent's witness testified another notice was sent to the Appellant, which the Appellant testified he did receive, showing that his SNAP was recalculated to be \$144 per month once the medical expense deduction was included.

Thus, although the Respondent incorrectly omitted the Appellant's medical expense from the income used to determine the Appellant's monthly SNAP allotment, testimony received at the hearing did show that the Respondent recalculated the Appellant's SNAP allotment using the Appellant's monthly medical expense of \$41.20 and sent notice thereof.

CONCLUSIONS OF LAW

1. Data Exchange and SOLQ are verified upon receipt.
2. The Respondent corrected the unearned income used in the Appellant's SNAP benefits case.

3. The Respondent recalculated the Appellant's monthly income using all allowable income deductions and disregards.
4. The Respondent correctly reduced the Appellant's SNAP allotment to \$144 per month.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Respondent's decision to reduce the Appellant's monthly SNAP benefit allotment.

ENTERED this 15th day of November 2018.

Lori Woodward, State Hearing Official