



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

**Bill J. Crouch
Cabinet Secretary**

**Board of Review
State Capitol Complex
Building 6, Room 817-B
Charleston, West Virginia 25305
Telephone: (304) 558-0955 Fax: (304) 558-1992**

**Jolynn Marra
Interim Inspector General**

June 13, 2019

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 19-BOR-1608

Dear Mr. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matters.

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,

Todd Thornton
State Hearing Officer
Member, State Board of Review

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

cc: Michalle Boren, DHHR / Janice McCoy, DHHR

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

██████████,

Appellant,

v.

Action No.: 19-BOR-1608

**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 7, 2019, on an appeal filed April 16, 2019.

The matter before the Hearing Officer arises from the Respondent's April 9, 2019 decision to reduce the Appellant's SNAP allotment due to income.

At the hearing, the Respondent appeared by Michalle Boren. The Appellant appeared *pro se*. Appearing as a witness for the Appellant was ██████████. All witnesses were sworn and the following documents were admitted into evidence.

EXHIBITS

Department's Exhibits:

- | | |
|-----|--|
| D-1 | Case Summary |
| D-2 | Hearing documents |
| D-3 | Notice of decision, dated April 9, 2019 |
| D-4 | Screen print of Case Comments regarding the Appellant's case from the Respondent's data system, entries dated April 8, 2019 – April 23, 2019 |
| D-5 | SNAP review documents completed by the Appellant
Date signed: March 20, 2019 |

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 Appellant completed a review form on or about March 20, 2019. (Exhibit D-4)
- 3) The Respondent used this review form to determine the Appellant's ongoing eligibility for SNAP benefits.
- 4) The Appellant signed the review form directly underneath a statement on the signature page which reads, "I certify that the statements on this form are true and correct to the best of my knowledge. I understand that the information I provide on this form may result in a reduction or termination of my benefits." (Exhibit D-4)
- 5) The Appellant confirmed a \$533.33 earned income amount on the March 2019 review form. (Exhibit D-4)
- 6) The Appellant confirmed a \$200 unearned income amount on the March 2019 review form. (Exhibit D-4)
- 7) The Appellant had additional unearned income in the form of monthly Social Security benefits in the amount of \$818.
- 8) The Appellant had total monthly income for SNAP purposes in the amount of \$1551.33.
- 9) By notice dated April 9, 2019, the Respondent advised the Appellant that his SNAP benefits "...will decrease from \$131.00 to \$15.00, effective 05/01/19." (Exhibit D-3)
- 10) The notice provides the reason for this action as "Your income has increased." (Exhibit D-3)
- 11) The notice provides the total monthly income amount used to determine the Appellant's SNAP benefits as \$1551.33.
- 12) The Respondent used a monthly gross income amount of \$1551.33 to determine the Appellant's SNAP benefits.
- 13) There was no dispute of allowable SNAP deductions, disregards or household size during the hearing.

- 14) The Respondent based the Appellant's monthly SNAP allotment of \$15 on a household size of one (1) and monthly net income of \$1280.67. (Exhibit D-3)

APPLICABLE POLICY

The West Virginia Income Maintenance Manual (WVIMM), at §4.4.3.C, reads, "To determine the SNAP allotment, find the countable income and the number in the AG in Appendix C, Basis of Issuance."

The WVIMM, at §4.4.3.B, indicates that "monthly gross countable earnings" and "gross countable unearned income" must be combined in the determination of countable monthly gross income for SNAP purposes.

Appendix C of Chapter 4 of the WVIMM shows a monthly SNAP allotment of \$15 for a household size of one (1) and monthly net income of \$1280.67.

DISCUSSION

The Appellant requested a fair hearing based on the decision of the Respondent to reduce the Appellant's SNAP benefits due to income. The Respondent must show by a preponderance of the evidence that the total income amount used to determine the Appellant's SNAP benefits was correct.

SNAP benefits are calculated based on income, deductions and disregards, and household size. The Appellant had no dispute of the deductions, disregards or household size used to determine his SNAP allotment. The Appellant testified that some of his income sources had stopped, but he signed a document confirming these amounts on his March 2019 SNAP review. There was no evidence to support the Appellant's claim that the income had stopped. The Appellant receives monthly Social Security benefits in the amount of \$818, in addition to monthly income of \$733.33 from the sources he confirmed on the review document. The Respondent verified this amount using a data exchange with the Social Security Administration and the amount of Social Security benefits were not disputed by the Appellant. The total gross income for the Appellant of \$1551.33 matches the gross income amount used by the Respondent. Because there is no dispute of allowable SNAP deductions or disregards, the resulting net income amount of \$1280.67 is correct. The Appellant's net income of \$1280.67 results in a monthly SNAP allotment of \$15. The Respondent correctly determined the Appellant's monthly SNAP allotment, which is a reduction from the previous monthly SNAP allotment.

CONCLUSION OF LAW

Because the Appellant has countable net income and a household size corresponding to a monthly SNAP allotment of \$15, the Respondent was correct to reduce the Appellant's SNAP allotment from the previously determined amount to \$15.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to reduce the Appellant's SNAP benefits based on income.

ENTERED this ____ Day of June 2019.

**Todd Thornton
State Hearing Officer**