



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

**Bill J. Crouch
Cabinet Secretary**

**BOARD OF REVIEW
Raleigh County District
407 Neville Street
Beckley, WV 25801**

**Jolynn Marra
Interim Inspector General**

March 17, 2020

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 20-BOR-1296

Dear Ms. [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: Margaret Fain, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 20-BOR-1296

**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 March 17, 2020, on an appeal filed February 26, 2020.

The matter before the Hearing Officer arises from the February 19, 2020, decision by the Respondent to reduce Supplemental Nutrition Assistance Program (SNAP) benefits.

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

Department's Exhibits:

None

Appellant's Exhibits:

None

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 SNAP benefits.
- 2) In October 2019, the Appellant submitted an interim contact form to the Respondent reporting no changes in her shelter costs.
- 3) In February 2020, the Respondent's Quality Control division conducted an audit of the Appellant's SNAP benefits and determined that the Appellant was no longer paying a mortgage.
- 4) The Respondent removed the mortgage deduction from the Appellant's case, causing a reduction in her monthly SNAP allotment from \$179 to \$93 effective April 2020.
- 5) The Appellant continues to pay for lot rent of \$165 monthly and property taxes annually.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §4.4.2 states that certain items may be allowed as income deductions to arrive at an assistance group's (AG's) countable income. When a client fails to report household expenses that would normally result in a deduction, the AG loses their entitlement to that deduction. They have a right to the expense, once it is reported and verified, if required by policy.

West Virginia Income Maintenance Manual §4.4.2.B.7 states the Worker must allow the shelter or utility expense only if the AG is obligated to pay with the AG's excluded or non-excluded resources. There is no time limit during the certification period for deciding when an AG is no longer allowed a deduction for the bill. The AG is no longer allowed the deduction when the expense is no longer billed or is no longer due. An expense does not have to be paid to be a deduction.

West Virginia Income Maintenance Manual §4.4.2.C.1 states that Standard Utility Allowances (SUAs) are fixed deductions that are adjusted yearly to allow for fluctuations in utility expenses. These deductions are the Heating/Cooling Standard (HCS), the Non-Heating/Cooling Standard (NHCS), and the One Utility Standard (OUS). AGs that are obligated to pay from their resources a utility expense that is billed separately from their shelter expenses are eligible for an SUA deduction. Eligibility for the SUA must be evaluated at certification, redetermination, and when the AG reports a change in utilities that may affect its eligibility for a deduction.

West Virginia Income Maintenance Manual §4.4.3 states when at least one assistance group (AG) member is elderly, which is at least age 60, or disabled, SNAP eligibility is determined by comparing the countable income to the maximum net monthly income found in Appendix A. There is no gross income test.

The following steps are 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 (\$167)
- 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, if applicable
- 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 \$412.
- 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.

The Worker will determine the benefit amount by using the following method:

- Multiply the net income by 30% (round up)
- Subtract 30% of the net income calculated from the maximum monthly benefit amount for the AG size.
- The resulting amount is the AG's monthly allotment, minus any recoupments.

DISCUSSION

Pursuant to policy, monthly SNAP allotments are determined by a household's countable income after all allowable deductions have been applied. The Appellant's gross countable income from Social Security and Supplemental Security Income is \$783 monthly. The Appellant is responsible for lot rent, property taxes and the heating/cooling costs of her home.

The Respondent removed the Appellant's \$300 monthly mortgage cost deduction from her case when it was determined that she was no longer obligated to pay the expense. The decreased shelter deduction resulted in a decrease in the Appellant's monthly SNAP allotment.

The Appellant confirmed that she no longer pays a mortgage expense but felt the SNAP reduction would not allow her to pay for her other living expenses, including out-of-pocket medical costs. The Appellant purported that her monthly medical expenses exceed \$35 each month. However, this expense had not been reported previously and cannot be allowed as a deduction until it is verified.

Policy allows certain deductions from an assistance group's total countable income to determine the monthly SNAP allotment. A SNAP assistance group is no longer allowed a deduction when an expense is no longer billed or is no longer due. Whereas the Appellant is no longer obligated to pay a mortgage expense on her home, the Respondent correctly removed the deduction from her case. The Respondent correctly reduced the Appellant's monthly SNAP allotment due to a loss of her mortgage deduction.

CONCLUSIONS OF LAW

- 1) Per policy, when a SNAP assistance group is no longer obligated to pay an expense, the expense is no longer allowed as an income deduction.
- 2) The Appellant is no longer obligated to pay a mortgage expense for her home.
- 3) The loss of the deduction resulted in a decrease in the Appellant's SNAP benefits.
- 4) The Respondent acted in accordance with policy in the reduction of the Appellant's monthly SNAP allotment.

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 benefits.

ENTERED this 17th day of March 2020.

**Kristi Logan
State Hearing Officer**