



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
Berkeley County DHHR
PO Box 1247
Martinsburg, WV 25402**

**Bill J. Crouch
Cabinet Secretary**

**Jolynn Marra
Interim Inspector General**

April 10, 2020

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 20-BOR-1359

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: Margaret Vloedman, BCF, [REDACTED] Co. DHHR

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

██████████,

Appellant,

v.

ACTION NO: 20-BOR-1359

**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 April 2, 2020, on an appeal filed March 6, 2020.

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 Margaret Vloedman, Family Support Supervisor. The Appellant was represented by his mother, ██████████. The witnesses were sworn, and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Approval notice, dated January 22, 2020
- D-3 Statement of shelter cost, dated January 21, 2020
- D-4 Copy of the Appellant's SNAP Budget screen from his eligibility system case
- D-5 West Virginia Income Maintenance Manual (WV IMM) Chapter 4, §4.4.2
- D-6 West Virginia Income Maintenance Manual (WV IMM) Chapter 4, §4.4.3.B

Appellants' 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 applied for SNAP benefits in January 2020.
- 2) The Appellant's SNAP Assistance Group (AG) is one.
- 3) The Appellant receives gross unearned income of \$791 per month, which was used in calculating the Appellant's SNAP benefit allotment. (Exhibits D-1, D-2 and D-4)
- 4) A verified monthly shelter cost of \$450 was used in calculating his SNAP benefit allotment. (Exhibit D-3)
- 5) No other expenses were reported at the time of the Appellant's SNAP application.
- 6) The Appellant's Net Adjusted Income was calculated to be \$486. (Exhibit D-4)
- 7) Thirty percent of the Net Adjusted Income (\$145.80) was deducted from the SNAP Maximum Allotment of \$194 for the determination of the Appellant's monthly SNAP allotment of \$48. (Exhibits D-2 and D-4)

APPLICABLE POLICY

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. It also explains that when a client fails to report household expenses that would normally result in a deduction, the AG loses their entitlement to that deduction. However, they have a right to the expense, once it is reported and verified, if required by policy.

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 found in Appendix B
- 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.
- 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

WV IMM, Chapter 4, §4.4.3.C, explains how to determine the monthly SNAP benefit allotment. The worker must find the countable income and the maximum benefit allotment for the AG in Appendix A. One and two-person AGs who meet the gross and net income test or who are categorically eligible, as defined in Section 1.4.17.C, automatically receive the minimum SNAP benefit, unless it is a prorated benefit. (See Appendix D, SNAP and WV WORKS Proration Table) No benefits are issued to any AG eligible for an initial, prorated amount less than \$10. (See Chapter 1 for proration requirements) The worker will determine the benefit amount by using the following method. The eligibility system also uses this method. Computation of the benefit amount is accomplished by multiplying the net income by 30% (round up) and then subtracting that result from the monthly benefit size for the AG size.

WV IMM, Chapter 4, Appendix A, lists the maximum SNAP benefit amount for an AG of 1 as \$194.

DISCUSSION

Policy requires that SNAP allotments be determined by a household's countable income after all allowable deductions have been applied. The Appellant's gross countable income from Social Security is \$791 monthly. The Appellant reported on his SNAP application that he had a rent expense of \$450 monthly paid to his mother and father. No other expenses were reported at the time of application. Based upon this information, the Respondent processed the Appellant's SNAP application and approved his benefits on January 22, 2020. Notification was sent to the Appellant that his monthly SNAP benefit amount would be \$48. The Appellant, through his representative, [REDACTED] (his mother), filed an appeal averring that this amount was insufficient.

At the hearing, Ms. [REDACTED] confirmed that the Appellant receives \$791 monthly from the Social Security Administration (SSA). In addition, she confirmed that the Appellant pays her and her husband \$450 monthly for rent, which was verified at application. Ms. [REDACTED] testified the Appellant received a higher monthly SNAP allotment from the State of New York where they lived previously. She was concerned that the Respondent incorrectly calculated the SNAP allotment. However, Ms. [REDACTED] did indicate that the Appellant was paying a larger rent amount when they lived in [REDACTED] and, admitted that was more than likely the cause of the discrepancy.

Ms. [REDACTED] also contended that the Appellant was a larger individual with increased nutritional requirements and that the monthly allotment was insufficient for an individual his size. The

Respondent explained that SNAP policy does not consider size of an individual in calculating the monthly SNAP allotment.

Ms. [REDACTED] then testified that the \$450 monthly rent amount helps to pay the house insurance, electric and other expenses, and alluded to some medical expenses the Appellant has out-of-pocket. However, none of these expenses were reported at application or corroborated. Policy requires that in order for an expense to be considered in the calculating the monthly SNAP allotment, it must be reported, otherwise, the AG loses their entitlement to that deduction. Policy does note, however, that once it is reported and verified, if required by policy, then the deduction is allowed.

Whereas, the Respondent showed by a preponderance of evidence that the Appellant's monthly SNAP allotment for an AG of one was correctly calculated, the Respondent's January 22, 2020 decision is affirmed.

CONCLUSIONS OF LAW

- 1) Policy requires that monthly SNAP allotments be determined by a household's countable income after all allowable deductions have been applied.
- 2) The Appellant's countable gross income from SSA of \$791, less income deductions and disregards allowed by policy were applied.
- 3) The Respondent correctly calculated the Appellant's monthly SNAP allotment to \$48.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Respondent's January 22, 2020 monthly SNAP benefit allotment calculation of \$48.

ENTERED this 10th day of April 2020.

Lori Woodward, State Hearing Officer