



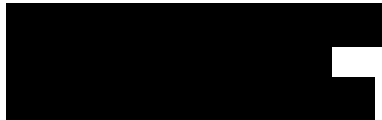
**STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL**

**Bill J. Crouch**  
Cabinet Secretary

**BOARD OF REVIEW  
State Capitol Complex  
Building 6, Room 817-B  
Charleston, West Virginia 25305  
Telephone: (304) 558-2278 Fax: (304) 558-1992**

**Jolynn Marra**  
Interim Inspector General

August 19, 2020



RE: [REDACTED] v. WVDHHR  
ACTION NO.: 20-BOR-1839

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 Board of Review 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 that may be taken if you disagree with the decision reached in this matter.

Sincerely,

Angela D. Signore  
State Hearing Officer  
State Board of Review

Enclosure: Appellant's Recourse  
Form IG-BR-29

cc: Tera Pendleton, [REDACTED] County DHHR

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

████████████████████,

**Appellant,**

**v.**

**ACTION NO.: 20-BOR-1839**

**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' (DHHR) Common Chapters Manual. This fair hearing was convened on August 5, 2020, on an appeal filed June 29, 2020.

The matter before the Hearing Officer arises from the June 22, 2020 determination by the Respondent to reduce the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Tera Pendleton, Economic Service Worker, DHHR. The Appellant appeared *pro se*. Both witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 WV PATH eligibility system printout of Case Comments, dated May 07, 2020 through June 19, 2020
- D-2 WV PATH eligibility system printout of Unearned Income for Ernest Blankenship, dated July 17, 2020, and WV PATH eligibility system printout of Unearned Income for ██████████, dated July 17, 2020
- D-3 DHHR Notice of Eligibility, dated June 22, 2020
- D-4 WV PATH eligibility system printout of SNAP Budget, dated June 18, 2020
- D-5 WV PATH eligibility system printout of SNAP Budget, dated May 07, 2020

**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 following Findings of Fact are set forth.

### **FINDINGS OF FACT**

- 1) The Appellant is a recipient of SNAP benefits for a two-person Assistance Group (AG). (Exhibit D-3)
- 2) On June 22, 2020, the Respondent notified the Appellant of a reduction in her monthly SNAP allotment from \$172.00 to \$46.00 due to the household income increasing, effective August 01, 2020. (Exhibit D-3)
- 3) The Appellant receives unearned income in the amount of \$922.00 per month (\$273.00 Supplemental Security Income (SSI) + \$649.00 Social Security). (Exhibit D-2)
- 4) The Appellant's spouse, [REDACTED], receives unearned income (SSI) in the amount of \$273.00 per month. (Exhibit D-2)
- 5) The Appellant is entitled to a standard income deduction in the amount of \$167.00. (Exhibit D-3)
- 6) The Appellant's Net Adjusted Income, after applicable deductions is \$1,028.00. (Exhibit D-3)
- 7) The maximum SNAP allotment for a Net Adjusted Income of \$1,028.00 is \$46 per month. (Exhibits D-3 and D-4)

### **APPLICABLE POLICY**

#### **WV IMM § 4.4.2.C.1 reads, in part:**

Standard Utility Allowance (SUA) is a fixed deduction that is adjusted yearly to allow for fluctuations in utility expenses. These deductions are Heating/Cooling Standards (HCS), the Non-Heating/Cooling Standard (NHCS), and the One Utility Standard (OUS). The current SUA amounts are found in Appendix B (HCS = \$412, NHCS = \$267, and OUS = \$73). AGs that are not obligated to pay any utility expense are ineligible for the SUA. 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. To be eligible for the HCS, the AG must be obligated to pay a heating and cooling expense that is billed on a regular basis.

**WV IMM § 4.4.3 reads, in part:**

When at least one AG member is elderly, which is at least age 60, or disabled as specified in Section 13.15, 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 test above.

- Step 1: Combine monthly gross countable earnings and monthly gross profit from self-employment (\$0)
- Step 2: Deduct 20% of Step 1 (- \$0)
- Step 3: Add the gross countable unearned income (+ \$1,195.00)
- Step 4: Subtract the Standard Deduction (- \$167.00)
- 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 Deduction found in Appendix B
- Step 8: Subtract allowable medical expenses in excess of \$35
- Step 9: Calculate 50% of the remaining income (\$514.00) and compare it to the actual monthly shelter/SUA amount (\$481.84)
- 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 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 (\$1,028.00) to the maximum net income (\$1,410.00) in Appendix A for the AG size (2 person).

To determine the SNAP allotment, find the countable income and the number in the AG in Appendix C, Basis of Issuance (\$46.00).

### **DISCUSSION**

The Supplemental Nutrition Assistance Program is governed by the U.S. Department of Agriculture Food Nutrition Services (USDA FNS). The USDA FNS determines the guidelines for States to use for budgeting purposes, including, but not limited to, allowable deduction amounts and maximum SNAP issuance amounts. Monthly SNAP allotments are determined by an individual's countable income, after all allowable deductions have been applied.

Evidence submitted by the Respondent established that the Appellant is eligible for a shelter deduction of \$69.84. Because the Appellant was responsible for a heating/cooling expense that is billed on a regular basis she was eligible for an HCS deduction of \$412.00. Policy indicates SUAs are fixed deductions that are adjusted yearly to allow for fluctuations in utility expenses.

The steps to determine the Appellant's monthly SNAP allotment are found in policy as follows: \$1,195.00 total income minus \$167.00 standard deduction equals \$1,028.00. The total shelter and SUA amount of \$481.84 (\$69.84 shelter cost plus \$412.00 HCS) is compared to 50% of the remaining income (\$1,028.00 divided by 2 equals \$514.00). Because the total shelter/SUA costs (\$481.84) for the Appellant do not exceed 50% of the household's remaining income (\$514.00), she is not entitled to the shelter/SUA deduction. The Appellant's total countable income for SNAP is \$1,028.00. When compared to the coupon allotment chart found in policy for an AG of two (2), the Appellant's AG is entitled to receive \$46.00 in monthly SNAP benefits.

Prior to the beginning of the hearing, the Appellant confirmed her reason for appeal was to contest the decrease in SNAP benefits. However, throughout the course of the hearing the Appellant subsequently testified that she did not contest the decrease in her monthly SNAP allotment or the increase in income. Instead, she proclaimed that her issue was regarding her Medicaid benefits. Because the issue of the hearing was a decrease in SNAP benefits, the Appellant's Medicaid benefits could not be explored. However, it should be noted that during the hearing, the Department updated the Appellant with the status of her Medicaid benefits as active.

### **CONCLUSIONS OF LAW**

- 1) Per policy the Appellant is entitled to a standard deduction, resulting in a net adjusted income of \$1,028.00.
- 2) Because the total shelter/SUA costs for the Appellant do not exceed 50% of the household's remaining income, she is not eligible to receive the shelter/SUA deduction.
- 3) The Appellant's Net Adjusted Income (\$1,028.00) when compared to the issuance chart for a two-person AG results in the Appellant's eligibility of \$46.00 in SNAP benefits per month beginning August 1, 2020.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to reduce the Appellant's monthly SNAP allotment effective August 1, 2020.

ENTERED this \_\_\_\_ day of August 2020.

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**Angela D. Signore**  
State Hearing Officer