



**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**

November 17, 2020

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 20-BOR-2442

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  
Certified State Hearing Officer  
Member, State Board of Review

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

cc: Darlene Watkins, [REDACTED] County DHHR

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

████████████████████,

**Appellant,**

**v.**

**Action Number: 20-BOR-2442**

**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 November 12, 2020, on an appeal filed October 26, 2020.

The matter before the Hearing Officer arises from the September 23, 2020 decision by the Respondent to deny the Appellant's application for Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Darlene Watkins, Economic Service Worker. The Appellant appeared *pro se*. Both 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 applied for SNAP benefits on September 1, 2020 for herself, her husband and their granddaughter.
- 2) The Appellant receives \$893.60 monthly in Social Security Disability benefits and her husband receives \$1586.60 monthly in Social Security Disability benefits.
- 3) The total gross income for the Appellant's household is \$2,480.20 monthly.
- 4) The Respondent notified the Appellant on September 23, 2020 that her application for SNAP benefits had been denied due to excessive income.

## **APPLICABLE POLICY**

West Virginia Income Maintenance Manual §4.4.3 states when no assistance group (AG) member is elderly or disabled, the gross income must be equal to, or less than, the gross income limit in Appendix A. If so, the AG qualifies for the disregards and deductions. If the gross income exceeds the amount in Appendix A, the AG is ineligible. When at least one AG member is elderly, which is at least age 60, or disabled, 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 found in Appendix B.
- Step 8: Subtract allowable medical expenses in excess of \$35 for elderly/disabled AG members
- Step 9: Calculate 50% of the remaining income and compare it to the actual monthly shelter/Standard Utility Allowance (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.

To determine the SNAP allotment, find the countable income and the maximum benefit allotment for the AG in Appendix A. The Worker will determine the benefit amount by using the following method. The eligibility system also uses this method.

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

West Virginia Income Maintenance Manual Chapter 4 Appendix A (effective October 2019-September 2020) lists the gross income limit for SNAP for a 3-person assistance group as \$2,311 and the net income limit as \$1,778.

### **DISCUSSION**

Policy stipulates that when no member of the SNAP assistance group is elderly or disabled, the gross income must be equal to, or less than, the gross income limit. If so, the assistance group qualifies for the disregards and deductions. If the gross income exceeds the amount in policy, the assistance group is ineligible. When at least one assistance group member is elderly or disabled, eligibility is determined by comparing the countable income to the maximum net monthly income. There is no gross income test.

The Respondent testified that the total income for the Appellant's assistance group exceeded the gross income limit to be eligible for SNAP benefits. However, the Appellant and her husband receive Social Security Disability benefits, and as such, are not required to meet the gross income test to determine eligibility for SNAP benefits.

The Appellant testified that her household expenses include Medicare premiums, doctor's bills, property taxes and utilities. The Appellant did not dispute the amount of income on record with the Respondent.

The Respondent failed to demonstrate that the Appellant's total countable income, after deductions, exceeded the net income limit. There was no testimony or evidence provided by the Respondent that the Appellant's allowable income deductions were taken into consideration in the denial of the SNAP application or that the Appellant was given the opportunity to provide verification of allowable income deductions. Whereas the Appellant's assistance group consists of at least one elderly or disabled member, the Respondent's denial of the Appellant's application for SNAP benefits based upon the gross income test was incorrect.

### **CONCLUSIONS OF LAW**

- 1) When at least one assistance group member is elderly or disabled, SNAP eligibility is determined by comparing the countable net income to the maximum net monthly income limit found in policy. There is no gross income test.

- 2) The Respondent denied the Appellant's application for SNAP benefits for exceeding the gross income limit.
- 3) The Appellant and her husband are disabled and are therefore only required to meet the net income limit for SNAP benefits.
- 4) The Respondent failed to demonstrate that allowable income deductions were taken into consideration in determining the Appellant's eligibility for SNAP benefits.
- 5) The Respondent's denial of the Appellant's application for SNAP benefits based solely upon failing to meet the gross income test cannot be affirmed.

### **DECISION**

It is the decision of the State Hearing Officer to **reverse** the decision of the Respondent to deny the Appellant's application for Supplemental Nutrition Assistance Program benefits. The matter is hereby **remanded** to allow the Appellant the opportunity to have allowable income deductions considered in eligibility determination.

**ENTERED this 17<sup>th</sup> day of November 2020.**

---

**Kristi Logan**  
**Certified State Hearing Officer**