



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

**Bill J. Crouch
Cabinet Secretary**

**BOARD OF REVIEW
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Charleston, West Virginia 25313
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**Jolynn Marra
Interim Inspector General**

December 7, 2020

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 20-BOR-2481

Dear Mr. [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,

Danielle C. Jarrett
State Hearing Officer
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision
Form IG-BR-29
cc: Tera Pendleton, Department Representative

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

██████████,

Appellant,

v.

Action Number: 20-BOR-2481

**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 30, 2020, on an appeal filed October 28, 2020.

The matter before the Hearing Officer arises from the October 21, 2020 determination of the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefit allotment.

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

Department's Exhibits:

- D-1 eRAPIDS computer system screenshot printout of Case Comments, dated April 20, 2020 through October 28, 2020
- D-2 West Virginia Department of Health and Human Resources (WVDHHR) People's Access to HELP (PATH) Application, dated October 14, 2020
- D-3 eRAPIDS computer system screenshot printout of Unearned Income, dated October 20, 2020
- D-4 Notice of Decision, dated October 21, 2020
- D-5 eRAPIDS computer system screenshot printout of Case Benefit Summary, dated October 14, 2020
- D-6 eRAPIDS computer system screenshot printout of SNAP Budget, dated April 7, 2020
- D-7 eRAPIDS computer system screenshot printout of SNAP Budget, dated April 16, 2020

D-8 eRAPIDS computer system screenshot printout of SNAP Budget, dated October 28, 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 Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) The Appellant is a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits for a one-person Assistance Group (AG).
- 2) On October 16, 2020, the Respondent updated the Appellant's unearned income in his electronic case record and processed a system generated alert for Unemployment Compensation Income (UCI). (Exhibit D-1)
- 3) The Appellant receives UCI monthly in the amount of \$1,724.30. (Exhibit D-3)
- 4) The Appellant's total gross monthly income is \$1,724.30. (Exhibits D-3, D-4, and D-8)
- 5) The standard deduction for a one-person AG is \$167. (Exhibits D-4 and D-8)
- 6) The Appellant is responsible for shelter expenses totaling \$495. (Exhibits D-4 and D-8)
- 7) The Appellant is responsible for home heating and cooling expenses. (Exhibits D-4 and D-8)
- 8) The Appellant's Net Adjusted Income, after applicable deductions is \$1,412.95. (Exhibits D-4 and D-8)
- 9) On October 21, 2020, the Respondent issued notice informing the Appellant that his SNAP benefit allotment, effective November 1, 2020, is \$16 per month. (Exhibit D-4)

APPLICABLE POLICY

WV IMM Chapter 4: Appendix A lists the maximum monthly SNAP benefit for a one-person AG as \$194. The gross income limit for a one-person AG is \$1,383 and the net income limit is \$1,064.

WV IMM § 4.4.3 states when no 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.

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 \$428.
- 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.

WV IMM §4.4.1.D explains the conversion of income to a monthly amount is accomplished by multiplying an actual or average amount as follows:

- Weekly amount x 4.3
- Biweekly amount (every two weeks) x 2.15
- Semi-monthly amount (twice/month) x 2

WV IMM § 4.4.3.C Determining the Amount of the Benefit provides in part:

To determine the SNAP allotment, 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.

WV IMM § 6.2.1.B reads that UCI information is available around the third working day of each month. Information received includes unemployment and low-earnings benefits. This information is considered verified upon receipt for SNAP and is not subject to independent verification for a program.

WV IMM § 10.5.1 explains that case maintenance action may originate from eligibility system alerts and notifies the Worker that changes have occurred or are expected to occur, and the information must be reviewed, and appropriate action taken. All actions must be recorded in case comments.

DISCUSSION

The Appellant is a recipient of SNAP benefits. On October 6, 2020, a Department worker processed a system generated alert for Unemployment Compensation Income (UCI). On October 16, 2020, the Respondent updated the Appellant's unearned income in the electronic case record. On October 21, 2020, the Respondent issued notice informing the Appellant that his SNAP benefit allotment effective November 1, 2020, was \$16 per month. The Appellant contested the Respondent's calculation of his income for his SNAP benefit.

The Respondent testified the Appellant's gross monthly income totals \$1,724.30. The Appellant receives UCI in the amount of \$401 weekly, which is converted to a monthly amount by multiplying by 4.3. The Appellant's total monthly unearned income is \$1,734.30.

Utilizing unearned income along with allowable deductions the Appellant's SNAP allotment was calculated as follows:

Step 1:	Combine all earned income: \$0
Step 2:	Deduct 20% from total earned income: \$0
Step 3:	Add all gross countable unearned income: \$1,724.30
Step 4:	Subtract the Standard Deduction: $\$1,724.30 - 167 = \$1,557.30$
Step 9:	Subtract the Shelter/Utility Deduction: $\$1,557.30 - 144.34 = \$1,412.95$ Adjusted Net Income

Per policy, when a one-person AG meets both the gross and net income tests, then that AG is automatically eligible for the minimum SNAP allotment. As a one-person AG, the Appellant was approved for the minimum SNAP allotment of \$16.

The Appellant testified that he now understands why his SNAP benefit allotment is \$16. The Appellant further testified that due to the pandemic and having a hard time getting ahold of a Department worker via telephone, he requested the hearing for the clarification of his SNAP budget calculations.

The October 21, 2020 notice of SNAP benefit allotment determined the Appellant's SNAP allotment of \$16 based upon a gross monthly income of \$1,724.30. The Respondent was correct in determining the Appellant's November 1, 2020 SNAP benefit allotment.

CONCLUSIONS OF LAW

- 1) Policy requires that monthly SNAP benefits be determined by a household's countable income after all allowable deductions have been applied.
- 2) The Appellant is entitled to receive standard and shelter/utility deductions, resulting in a net adjusted income of \$1,412.95.
- 3) Because the Appellant's income does not exceed policy limits, he is eligible to receive \$16 in SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's determination of the Appellant's SNAP benefit allotment, effective November 1, 2020.

ENTERED this _____ day of December 2020.

Danielle C. Jarrett
State Hearing Officer