



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Bill J. Crouch
Cabinet Secretary

Jolynn Marra
Inspector General

March 17, 2022

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 22-BOR-1323

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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

Cc Michael Phillips, WVDHHR
Ruth Skinner, WVDHHR

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

████████████████████,

Appellant,

v.

Action Number: 22-BOR-1323

**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 16, 2022, on an appeal filed February 28, 2022.

The matter before the Hearing Officer arises from the January 31, 2022, decision by the Respondent to reduce Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Ruth Skinner, Economic Service Worker, WVDHHR. The Appellant was represented by her ex-husband/authorized representative ██████████. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Fair Hearing Request dated February 28, 2022
- D-2 SNAP Budget information for March 1, 2022
- D-2 Notice of Decision dated January 31, 2022

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.
- 2) The Appellant was notified on January 31, 2022, that her regular monthly SNAP allotment would decrease from \$94 to \$73 (Exhibit D-3).
- 3) The SNAP decrease was the result of an increase in the Appellant's unearned income, which includes a combination of Social Security and Supplemental Security Income (SSI) totaling \$861 per month (Exhibit D-2).
- 4) The Appellant's net adjusted countable income after allowable deductions is \$590 (Exhibit D-2).

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 4.4.2.B provides information concerning allowable deductions for SNAP benefits. These deductions include the earned income disregard of 20 percent, the standard deduction, dependent care deduction, child support deduction, the Homeless Shelter Standard Deduction, allowable medical expenses, shelter expenses and utility expenses.

West Virginia Income Maintenance Manual Chapter 4.4.3.C provides the formula for calculating an Assistance Group's SNAP allotment. In the formula, net income is multiplied by 30 percent (rounded up). Thirty percent of the net income is then subtracted from the maximum monthly benefit for the Assistance Group size.

West Virginia Income Maintenance Manual Chapter 4, Appendix A states that the maximum SNAP benefit allotment for one person is \$250.

DISCUSSION

Policy states that an Assistance Group's SNAP allotment is calculated by multiplying net income by 30 percent and then subtracting that 30 percent from the maximum monthly benefit for the Assistance Group size.

The Appellant's regular SNAP allotment decreased due to an increase in unearned income. The Appellant's representative did not dispute the amount of the unearned income received by the Appellant or the Respondent's calculation method. He testified, however, that the Appellant was in a nursing home for several months and has fallen behind on paying her household bills as a result. He stated that he is working to obtain information on the Appellant's monthly medical expenses so that he can submit them to the Respondent for a possible SNAP deduction.

Ruth Skinner, Economic Service Worker for the Respondent, testified that the Appellant is also receiving \$177 in additional SNAP benefits, due to allocations made as the result of the Covid-19 pandemic, to reach the total maximum benefit of \$250 per month for a one-person Assistance Group. It is unclear when the additional Covid-19 allocation will end.

CONCLUSIONS OF LAW

- 1) An Assistance Group's SNAP allotment is calculated by multiplying net countable income by 30 percent and then subtracting that 30 percent from the maximum monthly benefit for the Assistance Group size.
- 2) The Appellant's net countable income is \$590.
- 3) The Appellant's \$590 net countable income multiplied by 30 percent is \$177.
- 4) The maximum monthly benefit for a one-person Assistance Group is currently \$250.
- 5) The maximum monthly benefit (\$250) minus 30 percent of countable income (\$177) equals a \$73 SNAP allotment.
- 6) The Respondent's determination of the Appellant's SNAP allotment for March 2022 is affirmed.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to decrease the Appellant's regular SNAP allotment for March 2022.

ENTERED this 17th of March, 2022.

Pamela L. Hinzman
State Hearing Officer