



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

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Board of Review
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Jolynn Marra
Interim Inspector General

May 16, 2022

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 22-BOR-1413

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 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,

Tara B. Thompson, MLS
State Hearing Officer
State Board of Review

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

CC: Jamey Bieszczad, [REDACTED] County DHHR
Justin Thorne, [REDACTED] County DHHR
Stephanie Smith, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

ACTION NO.: 22-BOR-1413

**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 of Chapter 700 of the West Virginia Department of Health and Human Resources' (DHHR) Common Chapters Manual. This fair hearing was convened on April 19, 2022 on an appeal filed with the Board of Review on March 21, 2022.

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

At the hearing, the Respondent appeared by Jamey Bieszczad, ██████████ County DHHR. The Appellant appeared *pro se*. Both witnesses were sworn in and the following exhibits were entered as evidence.

Department's Exhibits:

- D-1 DHHR Notice, dated January 31, 2022
- D-2 Pre-Hearing Conference and/or Fair Hearing Request Form, blank
- D-3 eRAPIDS Unearned Income Record
- D-4 eRAPIDS SNAP Budget
- D-5 West Virginia Income Maintenance Manual (WVIMM) Income Chart
- D-6 WVIMM §§ 4.4.3A through 4.4.4.A

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 was a recipient of SNAP benefits for a one-person Assistance Group (AG) (Exhibit D-1).
- 2) On January 31, 2022, the Respondent issued a notice advising the Appellant's SNAP benefits would be terminated, effective after February 28, 2022, because the Appellant's income exceeded SNAP eligibility guidelines (Exhibit D-1).
- 3) The Appellant's combined gross unearned monthly income is \$2,207.01 (Exhibits D-1 and D-3).
- 4) A standard deduction amount of \$177 was applied to the Appellant's income (Exhibits D-1 and D-4).
- 5) The Appellant was not eligible for dependent care expense, child support, or homeless deductions.
- 6) The amount of medical expenses reported to the Respondent was \$170 for the Appellant's Medicare Premium costs (Exhibit D-1 and D-4).
- 7) The Appellant's shelter costs were \$548 (Exhibit D-4).
- 8) The Appellant's standard utility allowance (SUA) amount was \$438 (Exhibit D-4).
- 9) The Appellant was eligible for a \$36.49 shelter/utility deduction that was not reflected on the notice (Exhibits D-1 and D-4).
- 10) After application of the shelter. utility deduction, the Appellant's net adjusted income was \$1,858.13.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WVIMM) § 1.2.4 provides in pertinent part:

The client's responsibility is to provide complete and accurate information about her circumstances so that the Worker is able to make a correct determination about her eligibility.

WVIMM § 4.4.3.B provides in part:

The following steps are used to determine countable income for cases meeting the eligibility tests above:

Step 1: Combine monthly gross countable earnings

Step 2: Deduct 20% of Step 1

Step 3: Add the gross countable unearned income

Step 4: Subtract the Standard Deduction Amount found in Appendix B

Step 5: Subtract allowable Dependent Care Expenses

Step 6: Subtract the amount of legally obligated child support actual 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 no one in the home is elderly or disabled, and the shelter/utility costs are equal to or less than step 9, no further computation is needed and the amount from Step 8 is the countable income. If no one in the home is elderly or disabled, and the shelter/ utility cost amount in excess of 50%, not to exceed the shelter/utility cap, in Appendix B is deducted to arrive at countable income. If at least one person in the household is elderly or disabled, and shelter/utility costs are equal to or less than Step 9, no further computation is needed and the amount from Step 8 is the countable income. The amount in excess of 50% is deducted, without regard to the shelter/utility cap, in Appendix B to arrive at countable income.

WVIMM Chapter 4, Appendix A and Appendix B provide in pertinent parts:

For a one-person AG, the maximum net income limit is \$1,074.

The standard deduction amount for a one-person AG is \$177.

DISCUSSION

The Respondent terminated the Appellant's increase due to her income exceeding SNAP eligibility guidelines. The Appellant contested the Respondent's termination. To prove that the Respondent correctly terminated the Appellant's SNAP benefits, the preponderance of evidence had to verify that the Appellant's income exceeded the maximum net income limit of \$1,074 for a one-person AG.

The Appellant argued her medical expenses were underestimated and exceeded \$1,000. The Appellant contended that the Respondent incorrectly applied the medical expense deduction amount. The Respondent proffered that the only medical expenses included in the Appellant's record was the cost of her Medicare Premium. Further, the Appellant testified that her shelter costs were higher than reflected in the Respondent's record. The Appellant testified that she had not submitted additional medical bills and verification of medical costs to the Respondent because she did not know that she was supposed to. The Respondent advised that once the Appellant submits verifications of increased housing and medical expenses that changes can be considered.

The policy stipulates that the Appellant has the responsibility to report changes in her circumstances so that the Respondent can make a correct decision regarding her SNAP benefit eligibility. Because the Appellant had not reported additional housing or medical expenses prior to the Respondent's January 31, 2022 decision to terminate the Appellant's SNAP benefits, the Respondent could only consider expenses reflected in the Appellant's record at that time.

The Respondent's January 31, 2022 notice did not indicate any shelter/utility deductions for the Appellant. Pursuant to the Respondent's testimony and evidence, the Appellant's combined shelter and utility costs were \$984, which entitled her to a \$36.49 shelter/utility deduction after calculations were applied. Even though the shelter/utility deduction was not reflected on the notice, the Appellant's net income still exceeded SNAP eligibility guidelines.

The Appellant's calculations are as follows:

Step 1:	\$0	
Step 2:	\$0	
Step 3:	\$1914.10	Unearned Income
	<u>+ 292.91</u>	Unearned Income
	\$2207.01	Countable Unearned Income
Step 4:	\$2207.01	Countable Unearned Income
	<u>- 177</u>	Standard Deduction Amount
	\$2030.01	
Step 5:	\$0	
Step 6:	\$0	
Step 7:	\$0	
Step 8:	\$2030.01	Countable Unearned Income
	<u>- 135</u>	Allowable Medical Expenses
	\$1895.01	
Step 9:	\$984	Shelter/Utility
	<u>-947.51</u>	50% remaining income
	\$ 36.49	Shelter/Utility Deduction
Step 10:	\$1895.01	
	<u>- 36.49</u>	Shelter/Utility Deduction
	\$1,858.13	Net Adjusted Income

CONCLUSIONS OF LAW

- 1) To be eligible for SNAP benefits, the Appellant's net income could not exceed the net

income limit of \$1,074 for a one-person AG.

- 2) The evidence verified that the Appellant's income exceeded the SNAP income eligibility guidelines.
- 3) The Respondent correctly terminated the Appellant's SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to terminate the Appellant's SNAP benefits.

ENTERED this 16th day of May 2022.

Tara B. Thompson, MLS
State Hearing Officer