



**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) 352-0805 Fax: (304) 558-1992**

**Jolynn Marra  
Inspector General**

April 27, 2022

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 22-BOR-1475

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 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,

Todd Thornton  
State Hearing Officer  
Member, State Board of Review

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

cc: Trevor Wayne, Department Representative

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

████████████████████,

**Appellant,**

**v.**

**Action Number: 22-BOR-1475**

**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 April 20, 2022, on an appeal filed April 4, 2022.

The matter before the Hearing Officer arises from the March 3, 2022 decision by the Respondent to deny the Appellant's Supplemental Nutrition Assistance Program (SNAP) application due to excessive income.

At the hearing, the Respondent appeared by Trevor Wayne. The Appellant appeared *pro se*. All witnesses were sworn and the following document was admitted into evidence.

**EXHIBITS**

**Department's Exhibits:**

- |     |   |
|-----|---|
| D-1 | Notice of decision, dated March 3, 2022   |
| D-2 | Case comments from the Respondent's data system regarding the Appellant's case, entries dated January 17, 2022, through April 4, 2022 |

**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 on January 5, 2022.
- 2) The Respondent worker completed an intake interview with the Appellant on January 20, 2022. (Exhibit D-2)
- 3) During the January 2022 intake interview, the Respondent worker requested verification regarding the Appellant's income and household expenses. (Exhibit D-2)
- 4) The Appellant provided the requested verification needed to process the SNAP application on March 2, 2022. (Exhibit D-2)
- 5) The Appellant verified gross household income of \$3448.17 per month from the following income sources: adoption assistance (\$600 per month), Social Security Disability – wage earner (\$1623.10 per month), Social Security – child (\$270 per month), and pension or retirement income (\$955.07 per month). (Exhibit D-2)
- 6) The Appellant has a child support obligation amount of \$1400 per month.
- 7) The Appellant is in a two-person SNAP assistance group (AG). (Exhibit D-2)
- 8) The Appellant was approved for Low-Income Energy Assistance Program (LIEAP) payment in March 2022. (Exhibit D-2)
- 9) The Appellant has rent of \$400 per month.
- 10) The Appellant reported medical expenses of \$170.10 per month.
- 11) The Appellant has excessive net income for a SNAP AG of two (2).
- 12) On March 3, 2022, the Respondent mailed the Appellant a notice that his application for SNAP was denied and provided the reasons for denial as “Income is too much for you to receive benefits,” and “Income is more than the income limit for you to receive benefits.” (Exhibit D-1)
- 13) This notice (Exhibit D-1) provided the Appellant's SNAP net income amount of \$1736.07 per month and the two-person SNAP net income limit of \$1452 per month.

## **APPLICABLE POLICY**

West Virginia Income Maintenance Manual (WVIMM) Chapter 4, addresses income, and at §4.4 details income for SNAP eligibility purposes. At §4.4.3, this policy provides, “The process of determining eligibility and the amount of the benefit differs when an AG member is elderly or disabled.”

At §4.4.3.A, the policy reads, “When at least one AG member is elderly, which is at least 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.”

Chapter 13 of the WVIMM deals with determining disability, incapacity, and blindness, and at §13.15.1, this policy states that “a determination of physical and/or mental disability” is required for “Medical deduction provision...Elderly or Disabled provision for removal of the shelter/utility cap...Elderly or Disabled provision for use of net income test...”

At §13.15.2, this policy indicates an individual is established as disabled when the individual is receiving Social Security Disability benefits.

At §4.4.2.B.2, policy reads, “A Standard Deduction is applied to the total non-excluded income counted for the AG, after application of the Earned Income Disregard. The amount of the Standard Deduction is found in Appendix B.”

The WVIMM, Chapter 4, Appendix B, lists the Standard Deduction amount for an AG size between one (1) and three (3) as \$177.

At §4.4.2.B.4, policy regarding the SNAP child support deduction reads, “A deduction is allowed based only on payments actually made, not the legally obligated amount, and may not exceed the legal obligation.”

At §4.4.2.B.6, policy regarding medical expenses for SNAP provides, in part, “Medical expenses in excess of \$35 must be allowed as a medical deduction for AG members who are elderly, which is at least age 60, or disabled, as defined in Section 13.15. Once the medical expenses of all such AG members have been totaled, the amount of the total in excess of \$35 is used as a medical deduction...”

At §4.4.2.B.7, the WVIMM addresses the shelter and utility deduction for SNAP, and reads, in part:

After all other exclusions, disregards, and deductions had been applied, 50% of the remaining income is compared to the total monthly shelter costs and the appropriate SUA. If the shelter costs/SUA exceed 50% of the remaining income, the amount in excess of 50% is deducted. The deduction cannot exceed the shelter/utility cap found in Appendix B.

EXCEPTION: The cap on the shelter/utility deduction does not apply when the SNAP AG includes an individual who is elderly or disabled, as defined in Section 13.15.

At §4.4.2.C, the WVIMM states that rent is included as a category of shelter expenses.

At §4.4.2.C.1, policy sets the Heating/Cooling Standard (HCS) as a category of Standard Utility Allowance (SUA). This section further states that an AG is eligible for the HCS when an AG receives LIEAP or shares a residence and utility costs with a LIEAP client.

The WVIMM, Chapter 4, Appendix B, lists the HCS as \$436.

At §4.4.3.B, policy provides steps for totaling unearned income sources and subtracting deductions and disregards including the Standard Deduction, child support, and medical deductions. The next step (Step 9) in determining income is to “Calculate 50% of the remaining income and compare it to the actual monthly shelter/SUA amount.” When the AG includes at least one person who is elderly or disabled, and the Shelter/SUA is equal to or less than the amount determined in Step 9, “No further computation is needed. The amount from Step 8 is the countable income.” This amount is then compared to “...the maximum net income in Appendix A for the AG size.”

The WVIMM, Chapter 4, Appendix A, lists the SNAP Net Income limit for an AG size of two (2) as \$1452.

## **DISCUSSION**

The Appellant has appealed the Respondent’s decision to deny his SNAP application due to excessive income. The Respondent must show by a preponderance of the evidence that it properly denied SNAP benefits on this basis.

The Appellant applied for SNAP, with an assistance group (AG) size of two (2) and gross monthly income of \$3448.17. One of the household members received Social Security Disability income, establishing the household as elderly or disabled for purposes of SNAP medical deductions, removal of the SNAP shelter/utility cap, and sole use of the net income limit for SNAP income eligibility determination.

The Appellant believed the standard deduction for SNAP was \$436. The correct amount from policy, for a two-person AG, is \$177. This amount was used by the Respondent in calculating the Appellant’s SNAP net income and is correct.

The Appellant reported monthly medical expenses of \$170.10. The Respondent correctly used the amount of these expenses after subtracting \$35 as required by policy, resulting in a medical deduction of \$135.10.

The Appellant reported a monthly child support amount paid of \$1406.23, and a monthly legal obligation amount of \$1400. The Respondent correctly used the lesser of these two amounts (\$1400) in determining the child support deduction.

The Appellant's gross monthly income (\$3448.17) minus the total of the deductions shown above (\$1712.10) leaves \$1736.07 in "remaining income" for comparison to shelter and utility expenses. Policy from §4.4.2.B.7 of the WVIMM provides that 50% of this "remaining income" is compared to applicable shelter and utility costs. The Appellant verified \$400 per month in shelter costs and is eligible for the Standard Utility Allowance (SUA) known as HCS based on the household's eligibility for LIEAP. This HCS is \$436, resulting in shelter/SUA costs for the Appellant's household of \$836. This shelter/SUA cost amount is not capped because the Appellant's household includes an individual who is elderly or disabled. The \$836 in shelter/SUA costs is compared to 50% of \$1736.07, or \$868.04. Because the shelter/SUA costs do not exceed half of the \$1736.07 in "remaining income," this is the net income amount for the household. This corresponds with the \$1736.07 listed as "Your Countable Net Income" and "Net Adjusted Income" on Exhibit D-1. The Respondent correctly determined the Appellant's SNAP net income amount. This amount exceeds the SNAP net income limit of \$1452 shown in Appendix A of the WVIMM and shown on Exhibit D-1 as "SNAP Net Income Limit."

Based on the reliable evidence and testimony at hearing, the Respondent correctly determined the net income of the Appellant's household exceeded the limit set by policy and correctly denied the Appellant's SNAP application on that basis.

### **CONCLUSION OF LAW**

- 1) Because the Appellant has \$1736.07 in SNAP net income and an assistance group (AG) size of two (2), his household is over the corresponding net income limit of \$1452 set by SNAP policy.
- 2) Because the Appellant's household income exceeds the net income limit, the Respondent was correct to deny the Appellant's SNAP application.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to deny the Appellant's SNAP application based on excessive income.

**ENTERED this \_\_\_\_ Day of April 2022.**

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**Todd Thornton**  
**State Hearing Officer**