



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

April 21, 2022

[REDACTED]

RE: [REDACTED] v. WVDHHR  
ACTION NO.: 22-BOR-1483

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,

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

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

Cc Kerstin Sutton, WVDHHR

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

██████████,

**Appellant,**

v.

**Action Number: 22-BOR-1483**

**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 31, 2022, decision by the Respondent to reduce Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Kerstin Sutton, Economic Services Supervisor, WVDHHR. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Appellant's prescription expenses for December 2021 through February 2022
- D-2 Statement from ██████████ dated March 18, 2021
- D-3 Notice of Decision dated March 31, 2022
- D 4 Case Comments from Respondent's computer system

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 that her SNAP allotment would be \$37 effective April 2022 (Exhibit D-3).
- 3) The Appellant's SNAP allotment decreased because her residence has been paid off and she no longer has a monthly shelter expense (Exhibit D-2).
- 4) The Appellant had no out-of-pocket prescription medication expenses for the period of December 2021 through February 2022, so she was determined to be ineligible for a medical expense deduction for SNAP purposes (Exhibit D-1).

## **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 4.4.2.C cites several permissible shelter deductions including rent, mortgage payments, interest on mortgage payments, association fees, property taxes and insurance, and the cost of repairing a home that was damaged due to a natural disaster or misfortune (including, but not limited to, fire, flood or freezing temperatures).

West Virginia Income Maintenance Manual Chapter 4.4.2.B.6 states that medical expenses in excess of \$35 must be allowed as a medical deduction for Assistance Group (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. Thirty-five dollars (\$35) is deducted from the total amount of expenses for the AG, not \$35 from each person's expenses. There is no maximum dollar limit for a medical deduction. Policy lists several allowable medical expenses including prescription and over-the-counter drugs, if prescribed by a qualified health professional.

The AG may elect to have one-time only medical costs deducted in a lump sum or prorated over the certification period. If, at application or redetermination, a client anticipates and verifies that he will incur an expense during the certification period, it may be prorated over the entire certification period. If he reports an expense during the certification period, it may be prorated over the remainder of the certification period.

The client may claim a medical deduction by using estimated or actual expenses.

## **DISCUSSION**

Policy lists several items that can be considered as deductions when calculating countable SNAP income. Among these items are shelter costs and allowable medical expenses.

During the hearing, the Appellant confirmed that she no longer has a shelter expense, but is now using her funds for home repairs. The Respondent indicated that the cost of repairs could possibly be an allowable deduction if verified. The Appellant testified that she incurs medical expenses during times when she has not met spenddown requirements for Medicaid purposes. She also testified that she must purchase over-the-counter medications, but there was no indication that a list of physician-prescribed, over-the-counter medications had been provided to the Respondent for consideration.

The Respondent acted correctly in allowing no SNAP deductions for shelter and medical expenses based on the documentation provided for review.

## **CONCLUSIONS OF LAW**

- 1) Policy states that certain shelter expenses are considered as allowable deductions in determining countable income for SNAP purposes.
- 2) The Appellant reported no current shelter deductions except for home repair costs.
- 3) No evidence of home repair costs was presented for consideration.
- 4) Policy provides for the consideration of certain medical expenses as allowable SNAP deductions, including over-the-counter medications prescribed by a health care provider.
- 5) The Appellant reported having over-the-counter medical expenses, but no documentation was provided for consideration.
- 6) As there is no evidence documenting home repair costs or medical expenses, the Department acted correctly in reducing SNAP benefits.

## **DECISION**

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

**ENTERED this 21st Day of April 2022.**

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**Pamela L. Hinzman  
State Hearing Officer**