



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

**Bill J. Crouch  
Cabinet Secretary**

**BOARD OF REVIEW  
Raleigh County DHHR  
407 Neville Street  
Beckley, WV 25801**

**Jolynn Marra  
Inspector General**

June 15, 2022

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 22-BOR-1685

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,

Kristi Logan  
Certified State Hearing Officer  
Member, State Board of Review

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

cc: Teresa Bailes, [REDACTED] DHHR

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

██████████,

**Appellant,**

**v.**

**Action Number: 22-BOR-1685**

**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 June 14, 2022, on an appeal filed May 26, 2022.

The matter before the Hearing Officer arises from the May 5, 2022, decision by the Respondent to reduce the Appellant's monthly Supplemental Nutrition Assistance Program (SNAP) allotment.

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

**Department's Exhibits:**

None

**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 SNAP benefits.
- 2) The Appellant completed a SNAP eligibility review on May 4, 2022.
- 3) The Appellant's Supplemental Security Income (SSI) monthly amount was updated to reflect the cost-of-living increase that was received in January 2022.
- 4) The Respondent notified the Appellant on May 5, 2022, that his monthly SNAP allotment would be reduced from \$178 to \$165 due to an increase in income, effective June 1, 2022.
- 5) The Appellant receives \$844 in SSI benefits monthly.
- 6) The Appellant pays rent of \$276.50 monthly and pays the heating/cooling costs of his home.

## **APPLICABLE POLICY**

West Virginia Income Maintenance Manual §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. When at least one AG member is elderly, which is at least age 60, or disabled, eligibility is determined by comparing the countable income to the maximum net monthly income found in Appendix A. There is no gross income test.

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 (\$1770)
- 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
- Step 9: Calculate 50% of the remaining income and compare it to the actual monthly shelter/SUA amount. The Heating/Cooling SUA is \$436.
- 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.

- Multiply net income by 30% (Round up)
- Subtract 30% of net income as calculated above from the maximum monthly benefit for the AG size

### **DISCUSSION**

Pursuant to policy, monthly SNAP allotments are determined by an individual's countable income, after all allowable deductions have been applied.

The Appellant received a cost-of-living increase in his SSI benefits effective January 2022. The increase in income was added to the Appellant's case in May 2022, when he completed an eligibility redetermination. The increase in income caused the Appellant's SNAP benefits to decrease effective June 1, 2022.

The Appellant testified that the increase in his income was negated by the decrease in his SNAP benefits. The Appellant commented on inflation and the high cost of gasoline, contending that he was struggling financially.

The Appellant's countable income is \$283.50. This is determined using the steps found in policy: \$841 SSI minus \$177 standard deduction = \$664. The total shelter and SUA amount of \$712.50 (\$276.50 rent plus \$436 Heating/Cooling Standard) is compared to 50% of the remaining income (\$664 divided by 2 equals \$332). Because the total shelter/SUA costs for the Appellant exceed 50% of his remaining income, he is entitled to the shelter/SUA deduction that is in excess of this amount (\$664 minus \$380.50). The Appellant's total countable income for SNAP is \$283.50.

The Appellant's monthly SNAP allotment is determined by multiplying his countable net income by 30% (\$283.50 x 30% equals \$85.05). This amount is subtracted by the maximum coupon allotment for a one person AG (\$250 minus \$85.05 equals \$164.95). The Respondent correctly calculated the Appellant's monthly SNAP allotment as \$165 based upon his income and allowable deductions.

Whereas the Respondent correctly calculated the Appellant's monthly SNAP allotment based upon the increase in his SSI benefits and allowable deductions, the Respondent's decision to reduce the Appellant's SNAP benefits is affirmed.

### **CONCLUSIONS OF LAW**

- 1) Monthly SNAP allotments are determined by an individual's countable income, after all allowable deductions have been applied.

- 2) The Appellant's monthly countable income, after applying the income deductions found in policy, is \$283.50.
- 3) Thirty percent of the Appellant's countable net income is compared to the maximum coupon allotment for the size of his assistance group.
- 4) The Appellant, the sole member of his assistance group, is eligible for \$165 in SNAP benefits each month.
- 5) The Respondent correctly calculated the Appellant's monthly SNAP allotment.

### **DECISION**

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to reduce the Appellant's monthly Supplemental Nutrition Assistance Program allotment.

**ENTERED this 15<sup>th</sup> day of June 2022.**

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**Kristi Logan**  
**Certified State Hearing Officer**