



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
2699 Park Avenue, Suite 100
Huntington, WV 25704

Joe Manchin III
Governor

Patsy A. Hardy, FACHE, MSN, MBA
Cabinet Secretary

March 12, 2010

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 23, 2009. Your hearing request was based on the Department of Health and Human Resources' proposed reduction of SNAP benefits and termination of Medicaid benefits.

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.

Eligibility for SNAP and Medicaid is based on current policy and regulations. Some of these regulations state that deposits into a bank account are considered income (West Virginia Income Maintenance Manual, Chapter 10.3.U.1).

The information submitted at your hearing revealed that you received deposits into a bank account, and that the Department was correct to count this as income.

It is the decision of the State Hearing Officer to **uphold** the action of the Department to reduce SNAP benefits and terminate Medicaid benefits due to the correct treatment of income.

Sincerely,

Todd Thornton
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Sheri Ranson, Department Representative

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

----- ,

Claimant,

v.

**Action Numbers: 09-BOR-1832 SNAP
 09-BOR-1833 Medicaid**

**West Virginia Department of
Health and Human Resources,**

Respondent.

DECISION OF STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on March 12, 2010 for ----- . This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened on October 23, 2009 on a timely appeal, filed August 28, 2009.

It should be noted that benefits have been continued through the hearing process.

II. PROGRAM PURPOSE:

The purpose of SNAP is to provide an effective means of utilizing the nation's abundance of food "to safeguard the health and well-being of the nation's population and raise levels of nutrition among low-income households." This is accomplished through the issuance of EBT benefits to households who meet the eligibility criteria established by the Food and Nutrition Service of the U.S. Department of Agriculture.

The Aid to Families with Dependent Children (AFDC, AFDCU for unemployed parents) Medicaid Program is designed to provide medical assistance to eligible families with children to age 18. These dependent children must be deprived of parental support due to the death, continued absence, incapacity, or unemployment of the parents. In addition, the family must meet financial eligibility criteria.

III. PARTICIPANTS:

-----, Claimant
-----, Claimant's witness
Sheri Ranson, Department Representative

All persons offering testimony were placed under oath.

Presiding at the Hearing was Todd Thornton, State Hearing Officer and a member of the State Board of Review.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether or not the Department was correct to reduce the SNAP benefits and terminate the Medicaid benefits of the Claimant due to considering deposits into a bank account as a form of income.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual, Chapter 10.2; Chapter 10.3.U.1

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Notice dated August 19, 2009; Hearing Request; Letter from ----- dated August 26, 2009
- D-2 Case comments screen prints
- D-3 West Virginia Income Maintenance Manual, Chapter 4.1.H; Chapter 10.3; Chapter 10.4

VII. FINDINGS OF FACT:

- 1) Sheri Ranson, representative for the Department, testified that the Claimant completed a review of eligibility for Medicaid and the Supplemental Nutrition Assistance Program (SNAP), formerly known as the Food Stamp Program, on August 7, 2009. On or about August 19, 2009, a notice (Exhibit D-1) was mailed to the Claimant advising him that SNAP benefits would be reduced from \$367.00 to \$16.00 monthly, and that Medicaid benefits would stop. The reason given for the proposed SNAP reduction was increased income, and the reason given for Medicaid termination was excessive income. Ms. Ranson testified that the income in question was money deposited into a bank account for the Claimant, from the Claimant's mother.

- 2) The West Virginia Income Maintenance Manual, Chapter 10.2, states, in pertinent part:

Income is defined as any and all monies received from any source.

The determination of countable income is necessary, because it is, generally, the countable income which is tested against maximum income limits.

The first step in determining countable income is to determine all the incoming monies to the AG and to those whose income is counted for or deemed to the AG.

The West Virginia Income Maintenance Manual, Chapter 10.3, provides a table of income sources, with their treatment under different programs. Chapter 10.3.U.1 is the specific section that addresses the treatment of deposits into a bank account intended for use by the Claimant. For both SNAP and Medicaid, this is treated as unearned income.

- 3) -----, the Claimant, testified that his mother deposited income into his bank account. He testified that he had no dispute of the dollar amount of the deposits. The Claimant testified that the deposited money was intended for him and his daughter. The Claimant and his mother, -----, testified regarding the Claimant's financial circumstances and communication problems with the Department worker responsible for the Claimant's case.

VIII. CONCLUSION OF LAW:

- 1) SNAP and Medicaid policy both require income information to determine program eligibility, and both define the bank deposits in question as unearned income. There was no dispute of the type of income, the amount of income, or the intended use of the income. The Department was correct to reduce the Claimant's SNAP benefits and terminate the Claimant's Medicaid benefits.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the action of the Department to reduce the Claimant's SNAP benefits and terminate the Claimant's Medicaid benefits as a result of the treatment of bank deposits as unearned income.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this _____ Day of March, 2010.

**Todd Thornton
State Hearing Officer**