



Esta es la decision de su Audiencia Imparcial. La decision del Departamento ha sido confirmada/invertido/remitido. Si usted tiene preguntas, por favor llame a 304-267-0100

July 1, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 25-BOR-2116

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 Human Services. These same laws and regulations are used in all cases to ensure 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,

Lori Woodward, J.D.
Certified State Hearing Officer
Member, State Board of Review

Encl: Recourse to Hearing Decision
Form IG-BR-29

cc: Anna Yoder, WV DoHS/BFA

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW**

[REDACTED]

Appellant,

v.

Action Number: 25-BOR-2116

**WEST VIRGINIA DEPARTMENT OF HUMAN SERVICES
BUREAU FOR FAMILY ASSISTANCE,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for [REDACTED]. This hearing was held in accordance with the provisions found in Chapter 700 of the Office of Inspector General Common Chapters Manual. This fair hearing was convened on June 25, 2025, on an appeal filed on May 27, 2025.

The matter before the Hearing Officer arises from the May 16, 2025 determination of the Appellant's medical deduction for his Supplemental Nutrition Assistance Program (SNAP) monthly benefit calculation.

At the hearing, the Respondent appeared by Peter VanKleeck, Family Support Supervisor. The Appellant was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Notice of SNAP approval, dated May 16, 2025
- D-3 Notice of SNAP approval, dated January 29, 2024
- D-4 WV Income Maintenance Manual (IMM), Chapter 4, §4.4.2.B.6

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 SNAP benefits in an Assistance Group (AG) of one.
- 2) On May 13, 2025, the Appellant returned verification of medical expenses for SNAP allotment calculations. (Exhibit D-1)
- 3) The Respondent sent notification to the Appellant on May 16, 2025, that his medical expense deduction was calculated to be \$122.60. (Exhibit D-2)
- 4) The Appellant is not contesting the Appellant's May 16, 2025 SNAP calculation.
- 5) The Appellant has additional medical expenses to submit.

APPLICABLE POLICY

Code of Federal Regulations – 7 CFR §273.9(d)(3) allows for a portion of medical expenses in excess of \$35 per month, excluding special diets, incurred by any household member who is elderly or disabled to be deducted from income calculations.

WV Income Maintenance Manual Chapter 4, §4.4.2.B.6, 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. 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. Only medical costs that are not reimbursable through a third party (insurance, Medicaid, etc.) are deducted. The deduction cannot be granted until the reimbursable portion of the expense is known.

Timing Considerations Related to Medical Bills - The client is only required to report medical expenses at the time of application and redetermination. He may choose to report changes in expenses during the certification period, and such changes must be acted on. Medical bills that are overdue when reported cannot be considered. The date the expense is incurred is not the deciding factor, but rather, the date the expense is billed or otherwise due. The AG may elect to have one-time only 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.

WV IMM, Chapter 10, §10.4.3.A.2, explains that for changes other than the addition of an AG member or a decrease in income which results in an increase in benefits:

- If the next issuance date is more than 10 days after the date the change is reported, the change is effective the month following the report month.
- If the next issuance date is within 10 days of the date the change is reported, the change is effective two months after the report month.

The ten-day period includes the date of the report and takes the staggered benefit issuance date into consideration.

DISCUSSION

On May 13, 2025, the Appellant returned verification of his medical expenses for use in determining his monthly SNAP allotment. The Respondent sent notification to the Appellant on May 16, 2025, that his medical expense deduction was calculated to be \$122.60. The Appellant testified that he was not contesting the calculation of the medical expenses but instead had additional medical expenses which were now available. The Appellant did not present any of these additional medical expenses at the hearing.

As the Appellant was not contesting the calculation of his SNAP benefits reflected in the May 16, 2025 notice, there is no issue in dispute. As there is no issue in dispute, the Respondent's decision is affirmed. It is noted that if the Appellant has additional medical expenses, these can be submitted to his local office for consideration.

CONCLUSION OF LAW

- 1) The Appellant was not contesting the calculations used in the May 16, 2025 SNAP determination.
- 2) There is no issue in dispute.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's May 16, 2025 SNAP decision.

ENTERED this 1st day of July 2025.

Lori Woodward, Certified State Hearing Officer