



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

**Sherri A. Young, DO, MBA, FAAFP  
Cabinet Secretary**

**Ann Vincent-Urling  
Interim Inspector General**

March 12, 2024

[REDACTED]

RE: [REDACTED] v. WV DoHS  
ACTION NO.: 24-BOR-1385

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 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,

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

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

cc: Amanda Simmons, WV DoHS, BFA

433 MidAtlantic Parkway, Martinsburg, West Virginia 25404  
304.352.0805 • 304.558.1992 (fax) • <https://www.wvdhhr.org/oig/bor.html>  
[OIGBOR@WV.GOV](mailto:OIGBOR@WV.GOV)

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

██████████,

**Appellant,**

v.

**ACTION NO.: 24-BOR-1385**

**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 ██████████. 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 March 12, 2024, on an appeal filed February 8, 2024.

The matter before the Hearing Officer arises from the Respondent's January 29, 2024 decision to reduce the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Amanda Simmons, Family Support Supervisor. The Appellant appeared *pro se*. In attendance to assist the Appellant was ██████████ the Appellant's daughter. The witnesses were placed under oath 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 in an Assistance Group (AG) of one.
- 2) On January 27, 2024, the annual cost-of-living adjustment (COLA) mass change occurred increasing Social Security benefits.
- 3) The Appellant's Social Security benefits increased from \$951 to \$981, due to the January COLA increase.
- 4) On January 29, 2024, the Respondent sent notification to the Appellant informing her of the reduction in her SNAP benefits effective March 1, 2024, due to the increase in her Social Security benefits.

## APPLICABLE POLICY

**WV IMM, Chapter 10, APPENDIX A, RSDI/SSI INCREASES 2024, in part:** In January 2024, Supplemental Security Income (SSI) and Retirement, Survivors, and Disability Insurance (RSDI) recipients received a cost-of-living adjustment (COLA) of 3.2%. The new monthly maximum federal SSI payment levels for 2024 are:

Single – \$943      Couple – \$1,415

In 2024, the standard Part B premium amount will be \$174.70.

**WV IMM, Chapter 10, APPENDIX A.1, The RSDI/SSI COLA Update Process, in part:** The annual COLA Mass Change occurred on January 27, 2024, for most assistance groups (AGs) in the eligibility system that have RSDI and/or SSI entered or Medicare enrollment. Reports that identify individuals affected by the COLA update become available on MOBIUS January 29, 2024. Manual updates must be completed by the February deadline, effective March 2024. Advance notice requirements apply.

For the automatic update to occur, the Social Security Number (SSN) in the eligibility system must match the SSN in the Social Security Administration (SSA) file. In addition, the individual's RSDI and/or SSI income must have been entered in the eligibility system.

The automatic update is effective March 2024. The automatic update does not occur if the income was entered, but end-dated prior to March 2024. It also does not occur if the begin date for RSDI and/or SSI income is later than February 2024.

**Code of Federal Regulations, 7 CFR §273.9(b)(2) provides, in part:**

Unearned income shall include, but not be limited to:

- (i) Assistance payments from Federal or federally aided public assistance programs, such as **supplemental security income (SSI)** or Temporary Assistance for Needy Families (TANF); general assistance (GA) programs (as defined in § 271.2); or other assistance programs based on need. Such assistance is considered to be unearned income even if provided in the form of a vendor payment (provided to a third party on behalf of the household), unless the vendor

payment is specifically exempt from consideration as countable income under the provisions of paragraph (c)(1) of this section. Assistance payments from programs which require, as a condition of eligibility, the actual performance of work without compensation other than the assistance payments themselves, shall be considered unearned income.

(ii) Annuities; pensions; retirement, veteran's, or disability benefits; worker's or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in § 272.12; **old-age, survivors, or social security benefits**; strike benefits; foster care payments for children or adults who are considered members of the household; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 20 hours a week.

**WV IMM, Chapter 4, §§4.3.1 and §4.3.1.73:** Notes that Retirement, Survivors, and Disability Insurance (RSDI) is countable as SNAP unearned income, and provides the instruction, "Count the amount of the client's entitlement. This includes any amount deducted for Medicare, if applicable." (§4.3.1.82 identifies this under the more commonly known term 'Social Security Payments', notes it is countable as SNAP unearned income, and directs the reader to §4.3.1.73)

## DISCUSSION

On January 27, 2024, the federal government issued an annual COLA mass increase. The Appellant's Social Security benefits increased from \$951 to \$981. Because of the Appellant's increase in her Social Security benefits, the Respondent sent notification that her SNAP benefits were being reduced effective March 1, 2024.

The Appellant did not contest the amount of the increase to her Social Security benefits. The Appellant argues that the general cost of living and the change in her living arrangements have increased her expenses. The Appellant did not submit any evidence to corroborate her statements. Additionally, the Appellant contended she submitted her homeowner's insurance to the local office for consideration as an expense deduction. The Respondent's representative, Amanda Simmons, stated that she was unaware of the local office receiving a homeowner's insurance policy from the Appellant. The Appellant could not remember when this was submitted and testified that it was maybe sometime in December or January. Ms. Simmons testified that the reduction in the Appellant's SNAP benefits was solely due to the increase in her Social Security benefits from the mass COLA increase. No other changes were made to the Appellant's case affecting her SNAP benefits. Ms. Simmons did explain that if the Appellant had prescription expenses or other changes to her case, she could submit those for consideration.

As the amount of the increase in the Appellant's Social Security benefits were undisputed and there was no evidence submitted to support the Appellant's contention of other possible changes to her SNAP benefits case, the Respondent's decision to reduce the Appellant's SNAP benefits based on the COLA increase is affirmed.

### **CONCLUSIONS OF LAW**

- 1) The Appellant received a mass COLA increase to her Social Security benefits increasing her unearned income from \$951 to \$981.
- 2) The increase in the Appellant's income resulted in a reduction in her Appellant's monthly SNAP allotment.

### **DECISION**

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

**ENTERED this 12<sup>th</sup> day of March 2024.**

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Lori Woodward, Certified State Hearing Officer