



May 9, 2024

[REDACTED]

RE: [REDACTED] v. WVDoHS
ACTION NOS.: 24-BOR-1865 and 24-BOR-1866

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 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,

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

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

cc: Jennifer Barker, DoHS

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

██████████,

Appellant,

v.

Action Numbers: 24-BOR-1865 & 24-BOR-1866

**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 West Virginia Office of Inspector General Common Chapters Manual. This fair hearing was convened on May 7, 2024.

The matter before the Hearing Officer arises from the Respondent's reduction of the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits and termination of Medicare Premium Assistance Program benefits as outlined in notices dated February 16, 2024, and March 13, 2024.

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

Department's Exhibits:

- D-1 Fair Hearing Request Forms
- D-2 Notice of Decision dated February 16, 2024, and SNAP Budget information
- D-3 Notice of Decision dated March 14, 2024, and SNAP Budget information
- D-4 Shelter/utility expense information from Appellant's February 12, 2024, review form
- D-5 ██████████ Contract
- D-6 Appellant's checking account information
- D-7 Page 3 of March 13, 2024, Notice of Decision with Appellant's notes
- D-8 West Virginia Income Maintenance Manual Chapters 4.4.2.B.6 and 4.4.2.C

- D-9 West Virginia Income Maintenance Manual Chapter 4.12
- D-10 Income Summary from Respondent's computer system
- D-11 Expenses Summary from Respondent's computer system
- D-12 SSI-Related Medicaid Income Budget information from Respondent's computer system
- D-13 SNAP Budget information from Respondent's computer system
- D-14 Case Comments from Respondent's computer system

Appellant's Exhibits:

- A-1 Appellant's checking account information

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 receives Supplemental Nutrition Assistance Program (SNAP) benefits as a one-person household.
- 2) The Appellant is a former recipient of Medicare Premium Assistance Program benefits under the Qualified Individual-1 Program.
- 3) The Appellant is a Social Security benefit recipient and received a Cost-of-Living Allowance (COLA) increase for 2024.
- 4) The Appellant's updated gross monthly income is \$1,726.70.
- 5) As a result of his increased Social Security income, the Appellant's SNAP benefits decreased from \$220 to \$171 per month effective March 2024.
- 6) The Respondent also determined that the Appellant's income was excessive to continue receiving QI-1 benefits following the COLA increase.
- 7) The Appellant's countable income for the QI-1 Program after the SSI \$20 income disregard is \$1,706 per month.
- 8) The Respondent was notified of the SNAP and QI-1 benefit changes in a Notice of Decision dated February 16, 2024 (Exhibit D-2).
- 9) The Appellant had completed a SNAP/Medicaid review form in February 2024, indicating that he no longer had gas and electricity expenses (Exhibit D-4).

- 10) The Appellant verified that his rent, effective December 9, 2023, was \$900 per month, which includes utilities (Exhibit D-5).
- 11) The Appellant has a telephone expense.
- 12) The Appellant was notified on March 13, 2024, that his SNAP benefits would decrease from \$171 to \$105 per month effective April 2024 because his utility costs were less (Exhibit D-3).
- 13) The Respondent determined that the Appellant's countable SNAP income after the Standard Deduction, a medical expense deduction, and the shelter/utility deduction is \$620.30 per month (Exhibit D-3).

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 4.4.2.B lists allowable deductions for SNAP benefits. These deductions include the earned income disregard of 20 percent, the Standard Deduction, the dependent care deduction, the child support deduction, the Homeless Shelter Standard Deduction, medical expenses for the elderly and/or disabled, shelter expenses, and the Standard Utility Allowance (SUA).

Code of Federal Regulations 7 CFR 273.9(d)(1)(i) addresses the Standard Deduction for SNAP benefits and states, in pertinent part:

48 States, District of Columbia, Alaska, Hawaii, and the Virgin Islands. Effective October 1, 2002, in the 48 States and the District of Columbia, Alaska, Hawaii, and the Virgin Islands, the standard deduction for household sizes one through six shall be equal to 8.31 percent of the monthly net income eligibility standard for each household size established under [paragraph \(a\)\(2\)](#) of this section rounded up to the nearest whole dollar. For household sizes greater than six, the standard deduction shall be equal to the standard deduction for a six-person household.

West Virginia Income Maintenance Manual Chapter 4, Appendix B, states that the current Standard Deduction for a one-person SNAP Assistance Group is \$198 per month.

Code of Federal Regulations 7 CFR 273.9(d)(6)(iii) addresses Standard Utility Allowances for SNAP purposes and states, in pertinent part:

(A)With FNS approval, a State agency may develop the following standard utility allowances (standards) to be used in place of actual costs in determining a household's excess shelter deduction: an individual standard for each type of utility expense; a standard utility allowance for all utilities that includes heating or cooling costs (HCSUA); and, a limited utility allowance (LUA) that includes electricity and fuel for purposes other than heating or cooling, water, sewerage, well and septic tank installation and maintenance, telephone, and garbage or trash collection.

West Virginia Income Maintenance Manual Chapter 4.4.2.C.1 states:

SUAs are fixed deductions that are adjusted yearly to allow for fluctuations in utility expenses. AGs with utility expenses for both occupied and unoccupied homes may only use the SUA for one home of his choice. These deductions are the Heating/Cooling Standard (HCS), the Non-Heating/Cooling Standard (NHCS), and the One Utility Standard (OUS). The current SUA amounts are found in Appendix B. AGs that are obligated to pay from their resources a utility expense that is billed separately from their shelter expenses are eligible for an SUA deduction. AGs that are not obligated to pay any utility expense are ineligible for the SUA, even if other residents pay utility expenses. Income for the SUA must be evaluated at certification, redetermination, and when the AG reports a change in utilities that may affect its eligibility for a deduction.

West Virginia Income Maintenance Manual Chapter 4, Appendix B, states that the One Utility Standard deduction is \$79 per month.

West Virginia Income Maintenance Manual Chapter 4.4.2.B.6 states:

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, 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.

West Virginia Income Maintenance Manual Chapter 4.4.3.B addresses how to compute countable income for SNAP purposes.

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, including the WV WORKS benefit and any amount reduced or being repaid to WV WORKS due to failure to comply with a program requirement. See Section 4.4.4.

Step 4: Subtract the Standard Deduction found in Appendix B.

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.

Step 10: If the shelter and Standard Utility Allowance is greater than Step 9 and at least one person is elderly or disabled, the amount in excess of 50% is deducted, without regard to the shelter/utility cap, in Appendix B to arrive at countable income.

West Virginia Income Maintenance Manual Chapter 4.4.3.C states that to determine the SNAP allotment, find the countable income and the maximum benefit allotment for the AG in Appendix A. To determine the benefit allotment, multiply net income by 30% (round up) then subtract 30% of net income as calculated above from the maximum monthly benefit for the AG size. Chapter 4, Appendix A, states that the maximum monthly SNAP allotment for a one-person Assistance Group is \$291.

West Virginia Income Maintenance Manual Chapter 4.12.1 states that to qualify for QI-1 benefits, an individual's income must be greater than 120% of the Federal Poverty Level (FPL), but less than or equal to 135% of the FPL.

West Virginia Income Maintenance Manual Chapter 4.14.2.B states that an SSI \$20 disregard is applied to the total gross unearned income for QI-1 purposes.

West Virginia Income Maintenance Manual Chapter 4, Appendix A, states that the income limit for a one-person QI-1 Assistance Group is \$1,695 per month.

DISCUSSION

Policy specifies allowable deductions for SNAP benefits. These deductions include the earned income disregard of 20 percent, the Standard Deduction, the dependent care deduction, the child support deduction, the Homeless Shelter Standard Deduction, medical expenses for the elderly and/or disabled, shelter expenses, and the Standard Utility Allowance (SUA). SUAs are fixed deductions that are adjusted yearly to allow for fluctuations in utility expenses. These deductions are the Heating/Cooling Standard (HCS), the Non-Heating/Cooling Standard (NHCS), and the One Utility Standard (OUS). Policy also states that to qualify for QI-1 benefits, an individual's countable income must be greater than 120% of the FPL, but less than or equal to 135% of the FPL.

The Respondent's representative testified that the Appellant's increased income and change in shelter/utility expenses resulted in termination of QI-1 benefits and a reduction in SNAP benefits.

The Appellant did not dispute the amount of his income but testified that his net income has decreased substantially because he must now pay a Medicare premium. The Appellant stated that he had to move to a new residence due to an abusive situation and his rent increased from \$405 to \$900 per month. Even though the Appellant's rent more than doubled, he pointed out that his SNAP benefits decreased because he no longer pays for gas and electricity. The Appellant testified that the decreases in benefits will make it difficult for him to live, that the Department should adjust its policies to consider the increased cost of living for benefit recipients, and that the reduction in benefits is unfair.

While the Appellant's concerns are noted, the Respondent acted in accordance with SNAP and Medicare Premium Assistance Program policy. Therefore, its decision to decrease SNAP benefits and terminate QI-1 benefits is correct.

CONCLUSIONS OF LAW

- 1) Policy lists several income deductions for which a SNAP recipient may qualify.
- 2) Based on his changed household circumstances, the Appellant is eligible to receive the Standard Deduction, the One Utility Standard Deduction, and a medical deduction.
- 3) The Appellant's net adjusted income for SNAP purposes, after allowable deductions, is \$620.30 per month.
- 4) An individual with \$620.30 in net adjusted income is eligible to receive \$105 per month in SNAP benefits.
- 5) The Respondent acted correctly in decreasing the Appellant's SNAP benefits.
- 6) To qualify for QI-1 benefits, an individual's countable income must be greater than 120% of the Federal Poverty Level (FPL), but less than or equal to 135% of the FPL. The current income limit is \$1,695 per month for a one-person Assistance Group.
- 7) The Appellant's countable income for the QI-1 Program is \$1,706 per month.
- 8) The Appellant's decision to terminate QI-1 benefits is correct.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to decrease the Appellant's SNAP benefits and terminate QI-1 benefits.

ENTERED this 9th day of May 2024.

**Pamela L. Hinzman
State Hearing Officer**