



May 9, 2024

[REDACTED]

RE: [REDACTED] v. WVDoHS  
ACTION NO.: 24-BOR-1981

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: Kara Pendleton, DoHS

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

[REDACTED],

**Appellant,**

v.

**Action Number: 24-BOR-1981**

**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 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 as outlined in a notice dated April 4, 2024.

At the hearing, the Respondent appeared by Kara Pendleton, Economic Service Worker Senior, WVDoHS. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Case Comments from Respondent's computer system
- D-2 Electronic mail transmission dated March 25, 2024
- D-3 Verification checklist dated March 26, 2024
- D-4 Lease agreement and statement from [REDACTED]
- D-5 Unearned income information
- D-6 SNAP Budget information
- D-7 Notice of Decision dated April 4, 2024

**Appellant's Exhibits:**

- A-1 Appellant's written statement and information concerning expenses

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, age 62, is a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) The Appellant sent an electronic mail transmission to the Respondent on March 25, 2024, indicating that he was no longer receiving financial assistance from his sister and that he moved into Housing and Urban Development (HUD) subsidized housing (Exhibit D-2).
- 3) The Respondent sent the Appellant a verification checklist on March 26, 2024, requesting that he verify his rent expense and provide a statement from his sister indicating that she no longer provided financial assistance (Exhibit D-3).
- 4) The Appellant provided the verification on April 3, 2024 (Exhibit D-4).
- 5) The Appellant pays rent of \$279 per month (Exhibit D-4).
- 6) The Appellant began receiving Social Security income of \$963 per month in November 2023 (Exhibit D-5).
- 7) The Appellant receives royalty income that the Respondent had previously calculated as \$6.08 per month (Exhibit D-5).
- 8) The Appellant has no heating/cooling expenses and is eligible for a One Utility Standard Deduction because he has a telephone expense (Exhibit D-6).
- 9) The Appellant's net countable income following allowable deductions is \$771.08 (Exhibit D-6).
- 10) As a result of the Appellant's income and shelter/utility changes, his SNAP benefits decreased from \$291 to \$59 per month effective May 2024 (Exhibit D-7).
- 11) The Respondent sent the Appellant a Notice of Decision on April 4, 2024, informing him of the SNAP reduction (Exhibit D-7).

### **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.

## **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).

The Respondent's representative contended that the Appellant's SNAP benefits decreased based on his changed household circumstances. The Appellant began receiving Social Security benefits and

moved to HUD-subsidized housing where he has no heating or cooling expense. As the Appellant has a telephone, he is eligible for the One Utility Standard Deduction of \$79 per month.

The Appellant did not dispute the amount of his monthly Social Security income, but indicated that his royalty income to date has been less than last year. The Appellant testified that he no longer receives financial assistance from his sister and had to move to HUD housing. The Appellant stated that he was unaware that his change in circumstances would result in a drastic reduction in SNAP benefits, and contended that there is no way he can manage with the substantial decrease. He testified that the prices of the basic foods he purchases have increased substantially. The Appellant stated that he has health issues and indicated that he has some monthly medication expenses.

The Respondent correctly calculated the Appellant's SNAP benefits at \$59 per month based on his changed household circumstances. However, the Respondent must consider the Appellant's monthly medical expenses and recalculate his countable royalty income since he indicated that the amount has decreased.

### **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 and the One Utility Standard Deduction.
- 3) After all SNAP budget calculations, the Appellant's net adjusted income is \$771.08.
- 4) An individual with \$771.08 in net adjusted income is eligible to receive \$59 per month in SNAP benefits.
- 5) The Respondent acted correctly in decreasing the Appellant's SNAP benefits.
- 6) The Respondent must update the Appellant's royalty income and evaluate him for a potential medical deduction for SNAP purposes.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to decrease the Appellant's SNAP benefits. However, the case is **REMANDED** to the Respondent to evaluate the Appellant's monthly medical expenses for a potential deduction and to update his royalty income.

**ENTERED this 9th day of May 2024.**

---

**Pamela L. Hinzman  
State Hearing Officer**