



June 27, 2024

[REDACTED]

RE: [REDACTED] v. WVDOHS
ACTION NO.: 24-BOR-2382

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,

Todd Thornton
State Hearing Officer
Member, State Board of Review

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

cc: Kara Pendelton, Department Representative

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

██████████,

Appellant,

v.

Action Number: 24-BOR-2382

**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 June 25, 2024, upon a timely appeal filed on June 5, 2024.

The matter before the Hearing Officer arises from the May 28, 2024 decision by the Respondent to establish the level of SNAP benefits.

At the hearing, the Respondent appeared by Kara Pendleton. The Appellant was self-represented. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Case comments
Entries dated May 9, 2024, through June 11, 2024
- D-2 Notice (Verification Checklist) dated May 13, 2024
- D-3 Unearned Income (screen print)
Medical Expenses (screen print)
- D-4 Verification provided by the Appellant
Medication printout for the Appellant
Royalty income statement for the Appellant

- D-5 SNAP Budget (screen print)
- D-6 Notice dated May 28, 2024
- D-7 Case Benefit Summary (screen print)
- D-8 Notice dated June 4, 2024

Appellant’s Exhibits:

- A-1 Case summary

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 was a recipient of SNAP benefits.
- 2) As a result of a prior hearing, the Appellant’s SNAP case was remanded to the Respondent to verify medical deductions and royalty income.
- 3) The Respondent mailed the Appellant a notice (Exhibit D-2) requesting verification of medical expenses and proof of royalty income.
- 4) The notice (Exhibit D-2) set a deadline of May 22, 2024, for this information.
- 5) The Appellant provided a twelve-month printout (Exhibit D-4) of his medication expenses, which the Respondent worker converted into a monthly amount of \$57.91.
- 6) The Appellant provided a summary of his royalty income (Exhibit D-4), which was converted into a monthly amount of \$5.34.
- 7) The Respondent redetermined the Appellant’s SNAP amount based on the updated income and deduction amounts. (Exhibit D-5)
- 8) The Respondent issued a notice dated May 28, 2024 (Exhibit D-6), which advised the Appellant that his SNAP “...benefits will increase from \$59.00 to \$66.00 effective 06/01/24.”

- 9) Because the Appellant's SNAP allotment for the month of June 2024 was \$59 (Exhibit D-7), the Respondent worker issued an auxiliary \$7 (Exhibit D-8) to bring the June 2024 allotment up to the newly calculated amount of \$66.
- 10) There were no additional income deductions or disregards established during the hearing.

APPLICABLE POLICY

The West Virginia Income Maintenance Manual, Chapter 4, §4.4.2.B, addresses allowable income deductions and disregards for SNAP, and provides:

4.4.2.B Allowable Disregards and Deductions

The following are the only allowable disregards and deductions for the SNAP. They apply to the income of the AG members and any individual sanctioned/penalized due to enumeration, Intentional Program Violation (IPV), failure to comply with a work requirement, or disqualified by law. See Deeming in Section 4.4.4.H.

4.4.2.B.1 Earned Income Disregard

Twenty percent (20%) of gross countable earned income, including gross profit from self-employment, is disregarded. This disregard is applied to the combined earnings of all members of the AG and to those persons whose income is counted or deemed. It is intended to cover those expenses incidental to employment or training, such as transportation, meals away from home, special clothing, and payroll deductions.

4.4.2.B.2 Standard Deduction

A Standard Deduction is applied to the total non-excluded income counted for the AG, after application of the Earned Income Disregard. The amount of the Standard Deduction is found in Appendix B.

4.4.2.B.3 Dependent Care Deduction

A deduction is allowed for payment for the care of a child or other dependent, when the expense is necessary for an IG member to accept, continue or seek employment or training, or pursue education that is preparatory to employment. Persons enrolled in an institution of post-secondary education, in a course of study designed to lead to any degree, are considered to be pursuing education that is preparatory to employment. Persons taking only elective classes or some specialized classes, or who do not have a declared major, do not qualify for this deduction. Dependent care expenses are deducted from educational funds to the extent that they are earmarked and/or used for such expenses. See Educational Income in Section 4.4.4.G. Dependent care expenses deducted from educational funds are deducted from these funds last, after all other allowable educational expenses, so that the client may then use any excess dependent care expenses as a Dependent Care Deduction. When third-party payments are made for dependent care, no deduction is given for the amount paid by the third party.

4.4.2.B.4 Child Support Deduction

A deduction is allowed for legally obligated child support actually paid by an AG member or disqualified individual to an individual not residing in the same household. In the State of West Virginia, legally obligated means the child support is the result of a circuit or magistrate court order, an order issued by administrative process, or a legally enforceable separation agreement. For orders issued in other states, any order that would be upheld by a Judge in a court of law is considered legally obligated. Legally obligated child support includes cash or in-kind payments, payments on arrearages, and payments for medical insurance premiums to cover the dependent child. If the dependent child is included in the parent's medical coverage at no extra cost, no deduction is allowed. If the parent must also enroll in order to cover the child, the total premium amount is used as a deduction. Alimony, spousal support, and payments made in accordance with a property settlement are not deducted. A deduction is allowed based only on payments actually made, not the legally obligated amount, and may not exceed the legal obligation. Child support paid to a child support agency and retained by the agency is deducted, even when the individual who pays the support resides with the person to whom the payment would customarily be paid. When the AG member pays the support to the agency and it is forwarded to an individual who resides in the same household, a deduction is not given.

...

4.4.2.B.5 Homeless Shelter Standard Deduction

This deduction may be applied when a homeless AG incurs any shelter/utility expenses for the month. Homeless AGs that receive free housing and utilities throughout the month are not eligible for the deduction. However, if they incur any shelter or utility expense, regardless of the amount, any time during the month, they qualify for the Homeless Shelter Standard Deduction. See Appendix B. Any shelter expenses reported by the homeless individual must be verified at a minimum at application and redetermination, or when a change of shelter is reported.

...

If the AG incurs, shelter and/or utility costs in excess of the Homeless Shelter Standard Deduction amount, the AG may use the actual shelter and/or the appropriate utility standard, if eligible. An AG must not receive the homeless shelter standard deduction and either a deduction for actual shelter costs and/or the Standard Utility Allowance (SUA) in the same month. See Shelter/Utility Deduction below for allowable expenses.

...

4.4.2.B.6 Medical Expenses

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.

DISCUSSION

The Appellant is contesting the Respondent's determination of his level of SNAP benefits. The Respondent must show, by a preponderance of the evidence, that it correctly calculated his SNAP benefit level.

The Appellant previously appealed a Respondent decision. The decision from that hearing was a remand to the Respondent to determine medical expenses and royalty income. The Respondent requested this information and incorporated it into a new SNAP level determination. The Appellant's SNAP benefits were increased from \$59 to \$66 monthly. Because of the timing of the change, an additional \$7 auxiliary was issued to correct a \$59 issuance already processed for June 2024. The Appellant's most recent hearing request is to appeal this determination.

The Appellant provided a summary (Exhibit A-1) explaining his expenses, but without any corresponding verification. He did provide verification (Exhibit D-4) to the Respondent showing his medical expenses and royalty income. He did not dispute the amount of royalty income. He believed that his medical expenses should be at least \$115 per month but did not explain how the verification he provided showed this. The Respondent worker explained that the medication printout (Exhibit D-4) represents a twelve-month period, and the worker used a \$695.03 annual amount, divided by twelve to derive a monthly medical expense amount of \$57.91. This was the amount the Respondent used in its SNAP budget (Exhibit D-5). The undisputed royalty income amount was also used by the Respondent in its determination of the Appellant's SNAP allotment.

The Appellant argued for deductions for laundry, transportation expense, toiletries, haircuts, clothing and "essential products." None of these are allowable deductions by policy. Some of the items mentioned in the Appellant's summary (Exhibit A-1) are either intended to be covered by the standard deduction for SNAP, or not at all. The Appellant argued that increases in food costs themselves should somehow be factored into the SNAP budget process, ignoring the fact that SNAP allotments are adjusted annually by the USDA for exactly this reason. The Board of Review cannot modify policy, make policy exceptions.

With no changes to the allowable SNAP income, deductions, or disregards discovered through evidence and testimony, the Respondent's determination of the Appellant's SNAP benefit level is affirmed.

CONCLUSION OF LAW

Because the evidence and testimony at hearing revealed no changes to SNAP income, deductions, or disregards for the Appellant's case, the Respondent correctly determined the Appellant's SNAP benefit level.

DECISION

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

ENTERED this _____ day of June 2024.

**Todd Thornton
State Hearing Officer**