



September 24, 2024

[REDACTED]

RE: [REDACTED] v. WV DoHS  
ACTION NO.: 24-BOR-2845

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: Keith Henry, WV DoHS/BFA

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

██████████,

**Appellant,**

v.

**ACTION NO.: 24-BOR-2845**

**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 September 17, 2024.

The matter before the Hearing Officer arises from the July 22, 2024, determination by the Respondent of the Appellant's monthly Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Meghan Delaney, Economic Service Supervisor. The Appellant appeared *pro se*. The witnesses were placed under oath and the following documents were admitted into evidence:

**Department's Exhibits:**

- D-1 Hearing Summary
- D-2 Supplemental Nutrition Assistance Program (SNAP) eligibility review form (CSLE), dated June 17, 2024
- D-3 WV Income Maintenance Manual, Chapter 3, §3.2.1.A.7
- D-4 Request for Verification (DFA-6), dated July 8, 2024
- D-5 Handwritten verification of rent expense, signed and dated July 14, 2024
- D-6 SNAP approval letter, dated July 22, 2024
- D-7 Request for fair hearing (DFA-FH-1), signed and dated July 29, 2024

**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 67 year-old recipient of SNAP benefits in an Assistance Group (AG) of one.
- 2) The Appellant lives in the same household as her 87 year-old landlord who is in a separate AG.
- 3) The Appellant was required to undergo a review for recertification of her SNAP benefits.
- 4) On June 17, 2024, a SNAP eligibility form (CSLE) was sent to the Appellant to complete. (Exhibit D-2)
- 5) On June 24, 2024, the Respondent received the completed CSLE and conducted a telephonic SNAP interview with the Appellant on July 8, 2024. (Exhibit D-1)
- 6) The Appellant reported she receives Retirement, Survivors, and Disability Insurance (RSDI) income in the monthly amount of \$1,442. (Exhibit D-2)
- 7) The Appellant reported her monthly shelter and utility costs are \$900 for rent, \$25 for trash/garbage, and \$57 for telephone. (Exhibit D-2)
- 8) On July 8, 2024, the Respondent's worker mailed a request for verification of the Appellant's rent which was due by July 18, 2024. (Exhibit D-4)
- 9) On July 14, 2024, the Appellant returned a handwritten statement verifying her rent of \$900 per month which included utilities. (Exhibit D-5)
- 10) On July 22, 2024, the Respondent determined the Appellant was eligible for \$24 in SNAP benefits (Exhibit D-6).
- 11) When calculating the Appellant's SNAP allotment, the Respondent applied a \$198 standard deduction to the Appellant's \$1,442 gross RSDI income, for a net income of \$1,244. (Exhibit D-6).
- 12) A \$900 shelter cost and \$79 standard utility deduction were used when calculating the shelter/utility deduction, which when deducted from one-half of the Appellant's net income (\$622), an excess shelter/utility cost was determined to be \$357. (Exhibit D-6)
- 13) The excess shelter/utility cost of \$357 was deducted from the Appellant's net income of \$1,244, for a net adjusted income of \$887. (Exhibit D-6)

- 14) The net adjusted income of \$887 is multiplied by 30%, which equals \$266.10, which is deducted from the maximum SNAP allotment amount of \$291, for a total monthly SNAP allotment of \$24. (Exhibit D-6)
- 15) On July 22, 2024, notification of the Appellant's approved monthly SNAP benefit allotment of \$24 was sent to the Appellant. (Exhibit D-6)
- 16) The Appellant filed an appeal on July 31, 2024, stating the reason for the hearing request as "benefits." (Exhibit D-7)
- 17) Notice of a scheduling conference was sent to the Appellant on August 2, 2024.
- 18) The Appellant requested a continuance in the matter, which was granted, and a new scheduling conference was set for August 28, 2024.
- 19) On August 28, 2024, the telephonic conferencing system was malfunctioning and a notice of the hearing was sent on August 28, 2024 to the Appellant.

### **APPLICABLE POLICY**

#### **Code of Federal Regulations, 7 CFR §273.9, in part:**

- (a) ***Income eligibility standards.*** Participation in SNAP shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for SNAP. Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for SNAP. Households which are categorically eligible do not have to meet either the gross or net income eligibility standards.
  - (1) The gross income eligibility standards for SNAP shall be as follows:
    - (i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia.
    - ...
  - (2) The net income eligibility standards for SNAP shall be as follows:
    - (i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be the Federal income poverty levels for the 48 contiguous States and the District of Columbia.
    - ...
  - (3) The income eligibility limits, as described in this paragraph, are revised each October 1 to reflect the annual adjustment to the Federal income poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii.
    - (i) 130 percent of the annual income poverty guidelines shall be divided by 12 to determine the monthly gross income standards, rounding the results upwards as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is multiplied by 130 percent, divided by 12, and the results rounded upward if necessary.

- (ii) The annual income poverty guidelines shall be divided by 12 to determine the monthly net income eligibility standards, rounding the results upward as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is divided by 12, and the results rounded upward if necessary.
- (4) The monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS web site, at [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap)

...

- (d) **Income deductions.** Deductions shall be allowed only for the following household expenses:

- (1) **Standard deduction** —

- (i) 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.

...

- (2) **Earned income deduction.** Twenty percent of gross earned income as defined in paragraph (b)(1) of this section. Earnings excluded in paragraph (c) of this section shall not be included in gross earned income for purposes of computing the earned income deduction, except that the State agency must count any earnings used to pay child support that were excluded from the household's income in accordance with the child support exclusion in paragraph (c)(17) of this section.

- (3) **Excess medical deduction.** That portion of medical expenses in excess of \$35 per month, excluding special diets, incurred by any household member who is elderly or disabled as defined in §271.2. Spouses or other persons receiving benefits as a dependent of the SSI or disability and blindness recipient are not eligible to receive this deduction but persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction.

...

- (4) **Dependent care.** Payments for dependent care when necessary for a household member to search for, accept or continue employment, comply with the employment and training requirements as specified under §273.7(e), or attend training or pursue education that is preparatory to employment, except as provided in §273.10(d)(1)(i). Costs that may be deducted are limited to the care of an individual for whom the household provides dependent care, including care of a child under the age of 18 or an incapacitated person of any age in need of care. The costs of care provided by a relative may be deducted so long as the relative providing care is not part of the same SNAP household as the child or dependent adult receiving care. Dependent care expenses must be separately identified, necessary to participate in the care arrangement, and not already paid by another source on behalf of the household.

...

- (5) **Optional child support deduction.** At its option, the State agency may provide a deduction, rather than the income exclusion provided under paragraph (c)(17) of

this section, for legally obligated child support payments paid by a household member to or for a non-household member, including payments made to a third party on behalf of the non-household member (vendor payments) and amounts paid toward child support arrearages. Alimony payments made to or for a non-household member shall not be included in the child support deduction. ...

(6) ***Shelter costs*** —

(i) ***Homeless shelter deduction.*** A State agency may provide a standard homeless shelter deduction of \$143 a month to households in which all members are homeless individuals but are not receiving free shelter throughout the month. The deduction must be subtracted from net income in determining eligibility and allotments for the households. ...

(ii) ***Excess shelter deduction.*** Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1) through (d)(5) of this section have been allowed. If the household does not contain an elderly or disabled member, as defined in §271.2 of this chapter, the shelter deduction cannot exceed the maximum shelter deduction limit established for the area. For fiscal year 2001, effective March 1, 2001, the maximum monthly excess shelter expense deduction limits are \$340 for the 48 contiguous States and the District of Columbia, \$543 for Alaska, \$458 for Hawaii, \$399 for Guam, and \$268 for the Virgin Islands. FNS will set the maximum monthly excess shelter expense deduction limits for fiscal year 2002 and future years by adjusting the previous year's limits to reflect changes in the shelter component and the fuels and utilities component of the Consumer Price Index for All Urban Consumers for the 12 month period ending the previous November 30. FNS will notify State agencies of the amount of the limit. ...

(iii) ***Standard utility allowances.***

(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. The LUA must include expenses for at least two utilities.

(B) The State agency must review the standards annually and make adjustments to reflect changes in costs, rounded to the nearest whole dollar. State agencies must provide the amounts of standards to FNS when they are changed and submit methodologies used in developing and updating standards to FNS for approval when the methodologies are developed or changed.

(C) A standard with a heating or cooling component must be made available to households that incur heating or cooling expenses separately from their rent or mortgage and to households that receive direct or indirect assistance under the Low Income Home Energy Assistance Act of 1981 (LIHEAA). A heating or cooling standard is available to households in private rental housing who are billed by their landlords on the basis of

individual usage or who are charged a flat rate separately from their rent. However, households in public housing units which have central utility meters and which charge households only for excess heating or cooling costs are not entitled to a standard that includes heating or cooling costs based only on the charge for excess usage unless the State agency mandates the use of standard utility allowances in accordance with paragraph (d)(6)(iii)(E) of this section. Households that receive direct or indirect energy assistance that is excluded from income consideration (other than that provided under the LIHEAA) are entitled to a standard that includes heating or cooling only if the amount of the expense exceeds the amount of the assistance. Households that receive direct or indirect energy assistance that is counted as income and incur a heating or cooling expense are entitled to use a standard that includes heating or cooling costs. A household that has both an occupied home and an unoccupied home is only entitled to one standard.

- (D) At initial certification, recertification, and when a household moves, the household may choose between a standard or verified actual utility costs for any allowable expense identified in paragraph (d)(6)(ii)(C) of this section (except the telephone standard), unless the State agency has opted, with FNS approval, to mandate use of a standard. The State agency may require use of the telephone standard for the cost of basic telephone service even if actual costs are higher. Households certified for 24 months may also choose to switch between a standard and actual costs at the time of the mandatory interim contact required by § 273.10(f)(1)(i), if the State agency has not mandated use of the standard.
- (E) A State agency may mandate use of standard utility allowances for all households with qualifying expenses if the State has developed one or more standards that include the costs of heating and cooling and one or more standards that do not include the costs of heating and cooling, the standards will not result in increased program costs, and FNS approves the standard. The prohibition on increasing Program costs does not apply to necessary increases to standards resulting from utility cost increases. If the State agency chooses to mandate use of standard utility allowances, it must provide a standard utility allowance that includes heating or cooling costs to residents of public housing units which have central utility meters and which charge the households only for excess heating or cooling costs. The State agency also must not prorate a standard utility allowance that includes heating or cooling costs provided to a household that lives and shares heating or cooling expenses with others. In determining whether the standard utility allowances increase program costs, the State agency shall not consider any increase in costs that results from providing a standard utility allowance that includes heating or cooling costs to residents of public housing units which have central utility meters and which charge the households only for excess heating or cooling costs. The State agency shall also not consider any increase in costs that results from providing a full (*i.e.*, not prorated) standard utility allowance that includes heating or cooling costs to a household that lives and shares heating or cooling

expenses with others. Under this option households entitled to the standard may not claim actual expenses, even if the expenses are higher than the standard. Households not entitled to the standard may claim actual allowable expenses. Requests to use an LUA should include the approximate number of SNAP households that would be entitled to the non-heating and non-cooling standard, the average utility costs prior to use of the mandatory standard, the proposed standards, and an explanation of how the standards were computed.

- (F) If a household lives with and shares heating or cooling expenses with another individual, another household, or both, the State agency shall not prorate the standard for such households if the State agency mandates use of standard utility allowances in accordance with paragraph (d)(6)(iii)(E) of this section. The State agency may not prorate the SUA if all the individuals who share utility expenses but are not in the SNAP household are excluded from the household only because they are ineligible.

**7 CFR §273.10, in part:**

- (d) **Determining deductions.** Deductible expenses include only certain dependent care, shelter, medical and, at State agency option, child support costs as described in § 273.9.

...

- (e) **Calculating net income and benefit levels —**

- (1) **Net monthly income.**

- (i) To determine a household's net monthly income, the State agency shall:
  - (A) Add the gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income.
  - (B) Multiply the total gross monthly earned income by 20 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 80 percent and add that to the total monthly unearned income, minus income exclusions.
  - (C) Subtract the standard deduction.
  - (D) If the household is entitled to an excess medical deduction as provided in §273.9(d)(3), determine if total medical expenses exceed \$35. If so, subtract that portion which exceeds \$35.
  - (E) Subtract allowable monthly dependent care expenses, if any, as specified under §273.9(d)(4) for each dependent.
  - (F) If the State agency has chosen to treat legally obligated child support payments as a deduction rather than an exclusion in accordance with §273.9(d)(5), subtract allowable monthly child support payments in accordance with §273.9(d)(5).
  - (G) Subtract the homeless shelter deduction, if any, up to the maximum of \$143.
  - (H) Total the allowable shelter expenses to determine shelter costs. Subtract from total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has been determined. If there is excess



shelter cost, compute the shelter deduction according to paragraph (e)(1)(i)(I) of this section.

- (I) Subtract the excess shelter cost up to the maximum amount allowed for the area (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other applicable deductions. Households not subject to a capped shelter expense shall have the full amount exceeding 50 percent of their net income subtracted. The household's net monthly income has been determined.
- (ii) In calculating net monthly income, the State agency shall use one of the following two procedures:
  - (A) Round down each income and allotment calculation that ends in 1 through 49 cents and round up each calculation that ends in 50 through 99 cents; or
  - (B) Apply the rounding procedure that is currently in effect for the State's Temporary Assistance for Needy Families (TANF) program. If the State TANF program includes the cents in income calculations, the State agency may use the same procedures for SNAP income calculations. Whichever procedure is used, the State agency may elect to include the cents associated with each individual shelter cost in the computation of the shelter deduction and round the final shelter deduction amount. Likewise, the State agency may elect to include the cents associated with each individual medical cost in the computation of the medical deduction and round the final medical deduction amount.
- (2) ***Eligibility and benefits.***
  - (i)
    - (A) Households which contain an elderly or disabled member as defined in §271.2, shall have their net income, as calculated in paragraph (e)(1) of this section (except for households considered destitute in accordance with paragraph (e)(3) of this section), compared to the monthly income eligibility standards defined in § 273.9(a)(2) for the appropriate household size to determine eligibility for the month.
    - (B) In addition to meeting the net income eligibility standards, households which do not contain an elderly or disabled member shall have their gross income, as calculated in accordance with paragraph (e)(1)(i)(A) of this section, compared to the gross monthly income standards defined in §273.9(a)(1) for the appropriate household size to determine eligibility for the month.
  - ...
  - (ii)
    - (A) Except as provided in paragraphs (a)(1), (e)(2)(iii) and (e)(2)(vi) of this section, the household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30 percent of the household's net monthly income as calculated in paragraph (e)(1) of this section. If 30 percent of the household's net income ends in cents, the State agency shall round in one of the following ways:

- (1) The State agency shall round the 30 percent of net income up to the nearest higher dollar; or
  - (2) The State agency shall not round the 30 percent of net income at all. Instead, after subtracting the 30 percent of net income from the appropriate Thrifty Food Plan, the State agency shall round the allotment down to the nearest lower dollar.
  - (B) If the calculation of benefits in accordance with paragraph (e)(2)(ii)(A) of this section for an initial month would yield an allotment of less than \$10 for the household, no benefits shall be issued to the household for the initial month.
  - (C) Except during an initial month, all eligible one-person and two-person households shall receive minimum monthly allotments equal to the minimum benefit. The minimum benefit is 8 percent of the maximum allotment for a household of one, rounded to the nearest whole dollar.
- ...
- (4) Thrifty Food Plan (TFP) and Maximum SNAP Allotments.
    - (i) Maximum SNAP allotment level. Maximum SNAP allotments shall be based on the TFP as defined in §271.2, and they shall be uniform by household size throughout the 48 contiguous States and the District of Columbia. ... The TFP amounts and maximum allotments in each area are adjusted annually and will be prescribed in a table posted on the FNS web site, at [www.fns.usda.gov/fsp](http://www.fns.usda.gov/fsp).

**WV IMM, Chapter 4, §4.4.3.B, *Determining Countable Income, in pertinent part:***

The following steps are used to determine countable income for cases meeting the eligibility tests above.

- 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
- Step 4: Subtract the Standard Deduction
- 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/SUA costs are equal to or less than the amount found in step 9, no further computation is needed, the amount from step 8 is the countable income. If the shelter/SUA costs are greater than step 9, the amount in excess of 50% is deducted to arrive at the countable income. Elderly/disabled households are not subject to the shelter/utility cap.
- Step 11: Compare the countable income to the maximum net income in Appendix A for the AG size.

**WV IMM, Chapter 4, §4.4.3.C, *Determining the Amount of the Benefit:***

To determine the SNAP allotment, find the countable income and the maximum benefit allotment for the AG in Appendix A. One- and two-person AGs who meet the gross and net income test or who are categorically eligible, as defined in Section 1.4.17.C

automatically receive the minimum SNAP benefit, unless it is a prorated benefit. See Appendix D, SNAP and WV WORKS Proration Table. No benefits are issued to any AG eligible for an initial, prorated amount less than \$10. See Chapter 1 for proration requirements. To determine the SNAP allotment, find the countable income and the maximum benefit allotment for the AG in Appendix A. The Worker will determine the benefit amount by using the following method. The eligibility system also uses this method.

- Multiply net income by 30% (Round up)
- Subtract 30% of net income as calculated above from the maximum monthly benefit for the AG size

**WV IMM, Chapter 4, §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.

**WV IMM, Chapter 4, §4.4.2.B.7, *Shelter/Utility Deduction:***

After all other exclusions, disregards, and deductions have been applied, 50% of the remaining income is compared to the total monthly shelter costs and the appropriate SUA. If the shelter costs/SUA exceed 50% of the remaining income, the amount in excess of 50% is deducted. The deduction cannot exceed the shelter/utility cap found in Appendix B.

**WV IMM, Chapter 4, §4.4.2.C.1, *Standard Utility Allowance (SUA)***, explains that 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). The current SUA amounts are found in Appendix B. The basic rate for one telephone, either landline or cellular service, but not both are considered to be an allowable utility expense.

**Heating/Cooling Standard (HCS)** - 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. Eligibility 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.

**Non-Heating/Cooling Standard (NHCS)** - AGs that do not qualify for the HCS but incur two or more utility expenses or at least one utility expense when sharing a residence that has two or more utilities, are eligible for the NHCS. The AG is not eligible for the NHCS when all the utility costs are included in the shelter payment and none are billed separately.

**One Utility Standard (OUS)** - AGs that do not qualify for the HCS or the NHCS, but incur one utility expense, are eligible for the OUS.

**WV IMM, Chapter 4, Appendix A, *Income Chart*** states that the maximum benefit allotment for a one-person AG is \$291.

**WV IMM, Chapter 4, Appendix B, *Standard Deductions and Allowances for SNAP*** states that for a one to three-person AG, the standard deduction is \$198. The OUS is \$79.

## DISCUSSION

The Appellant receives SNAP benefits in an assistance group of one. On June 17, 2024, a SNAP eligibility form (CSLE) was sent to the Appellant to complete for recertification of her benefits, which she returned on June 24, 2024. The Appellant reported she has unearned income from RSDI in the amount of \$1,442, rent expense of \$900, a garbage expense, and a telephone expense. The Respondent's worker held a telephonic SNAP interview with the Appellant on July 8, 2024, and sent a verification request for her rent expense. A verification of rent expense signed by the Appellant's landlord was returned which stated that all utilities were included in the Appellant's \$900 per month rent fee. The Respondent's worker determined that the Appellant was eligible for the OUS in calculating her SNAP allotment. On July 22, 2024, the Respondent sent the Appellant notification of her SNAP recertification and calculated SNAP allotment. The Appellant requested a hearing stating that she was unclear about the Respondent's calculations and averred that the monthly SNAP allotment was not enough to supplement her food expenses.

Pursuant to state policy and federal regulations, monthly SNAP allotments are determined by an assistance group's countable income, after all allowable deductions have been applied. The Respondent applied a \$198 standard deduction to the Appellant's \$1,442 gross RSDI income, for a net income of \$1,244. A \$900 shelter cost and \$79 standard utility deduction were used when calculating the shelter/utility deduction. Although the Appellant reported paying the garbage bill, the rent verification from her landlord stated that the utilities were included in the rent amount. However, because policy allows a phone expense, the Respondent correctly applied the OUS utility deduction. The Respondent then deducted the total of the Appellant's shelter and OUS amounts from one-half of the Appellant's net income (\$622), which equaled an excess shelter/utility cost of \$357. The excess shelter/utility cost of \$357 was deducted from the Appellant's net income of \$1,244, for a net adjusted income of \$887. The net adjusted income of \$887 is multiplied by 30%, which equals \$266.10, which is deducted from the maximum SNAP allotment amount of \$291, for a total monthly SNAP allotment of \$24. Note that Federal regulations allow a state agency to round the allotment down to the nearest lower dollar amount after subtracting the 30 percent of net income from the appropriate Thrifty Food Plan.

The Appellant's concern about the inadequacy of her monthly SNAP allotment to assist in the current high prices is understandable. However, SNAP allotments and their calculations are determined by state and federal regulations. With regard to the SNAP allotment, the Board of Review can only determine whether the Respondent correctly followed policy and regulations in its determination.

Whereas the Respondent showed by a preponderance of evidence that the Appellant's monthly SNAP allotment was correctly calculated, the Respondent's July 22, 2024 SNAP determination is affirmed.

## CONCLUSIONS OF LAW

- 1) State policy and federal regulations require monthly SNAP allotments be determined by an AG's countable income, after all allowable deductions have been applied.

- 2) The Respondent correctly applied a \$198 standard deduction to the Appellant's \$1,442 gross RSDI income, for a net income of \$1,244.
- 3) The Respondent correctly deducted the total of the Appellant's monthly shelter expense of \$900 and OUS of \$79 from one-half of the Appellant's net income (\$622), which equaled an excess shelter/utility cost of \$357.
- 4) The Respondent correctly deducted the excess shelter/utility cost of \$357 from the Appellant's net income of \$1,244, for a net adjusted income of \$887.
- 5) The net adjusted income of \$887 was multiplied by 30%, which equals \$266.10, which the Respondent correctly deducted from the maximum SNAP allotment amount of \$291, for a total monthly SNAP allotment of \$24.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's the Appellant's monthly SNAP allotment determination.

**ENTERED this 24<sup>th</sup> day of September 2024.**

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Lori Woodward, Certified State Hearing Officer