



October 18, 2024

[REDACTED]

RE: [REDACTED] v. WV DoHS BFA
ACTION NO.: 24-BOR-3041

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,

Angela D. Signore
State Hearing Officer
Member, State Board of Review

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

cc: Kristyne Hoskins, WV DoHS, [REDACTED]

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

██████████,

Appellant,

v.

Action Number: 24-BOR-3041

**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 October 10, 2024, on an appeal filed August 27, 2024.

At the onset of the hearing, the parties agreed that the issue to be determined in the matter was the August 26, 2024 notice of SNAP reduction, and not the August 19, 2024 termination notice. The matter before the Hearing Officer arises from the Respondent's calculation of the Appellant's monthly Supplemental Nutrition Assistance Program (SNAP) benefits allotment.

At the hearing, the Respondent appeared by Kristyne Hoskins, Economic Service Worker, Senior, DoHS. The Appellant appeared *pro se*. Both witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 West Virginia (WV) Department of Human Services (DoHS) SNAP Eligibility Review Notice, dated July 19, 2024
- D-2 WV People's Access to Help (PATH) eligibility system printout of Case Comments
- D-3 Completed WV DoHS SNAP Eligibility Review Notice, dated July 25, 2024
- D-4 WV PATH eligibility system printout of Case Comments
- D-5 WV PATH eligibility system printout of Shelter Costs
- D-6 WV PATH eligibility system printout of Unearned Income - Retirement, Survivors, and Disability Insurance (RSDI)
- D-7 WV PATH eligibility system printout of Unearned Income - Supplemental Security Income (SSI)

- D-8 WV PATH eligibility system printout of Case Comments
- D-9 WV DoHS Verification Checklist Notice, dated August 14, 2024
- D-10 WV DoHS Notice of SSI Medicaid Decision, dated August 14, 2024
- D-11 WV DoHS Notice of SNAP Decision, dated August 14, 2024
- D-12 West Virginia Income Maintenance Manual (WVIMM) §§ 1.2.2.B through 1.2.2.D
- D-13 Appellant Provided Verification Checklist Documents, dated August 21, 2024
- D-14 WV PATH eligibility system printout of Case Comments
- D-15 WV PATH eligibility system printout of Shelter Costs, effective July 2024
- D-16 WV PATH eligibility system printout of Unearned Income - RSDI
- D-17 WV PATH eligibility system printout of Unearned Income – SSI
- D-18 WV DoHS Notice of SSI Medicaid Decision, dated August 26, 2024
- D-19 WV DoHS Notice of SNAP Decision – September 2024, dated August 26, 2024
- D-20 WV DoHS Notice of SNAP Decision – October 2024, dated August 14, 2024
- D-21 WV PATH eligibility system printout of Case Comments
- D-22 WV PATH eligibility system printout of SNAP Budget

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 for a one (1) person Assistance Group (AG). (Exhibits D-1 through D-8, and D-13 through D-22)
- 2) The Appellant previously received \$285 in SNAP benefits based on \$675 income and \$496 Standard Utility Allowance (SUA). (Exhibit D-2)
- 3) On May 16, 2024, the Appellant reported the onset of SSI in the amount of \$193.70 per month. (Exhibit D-2)
- 4) The Respondent notified the Appellant of a reduction in her monthly SNAP allotment from \$285 to \$198 due to the household income increasing, effective June 01, 2024. (Exhibit D-3)
- 5) On July 19, 2024, the Respondent notified the Appellant that her SNAP case was set for review in July 2024. (Exhibits D-1 and D-3)
- 6) On July 25, 2024, the Appellant submitted her completed review forms and reported a reduction in her monthly shelter costs from \$200 to \$41. (Exhibit D-3)
- 7) The Appellant receives unearned income in the amount of \$922.00 per month (\$193.70

SSI + \$675 RSDI). (Exhibits D-1, D-3 through D-8, D-14 through D-16, and D-18 through D-22)

- 8) On August 14, 2024, the Respondent issued a verification checklist requesting verification of the Appellant's rent expense amount. (Exhibits D-9 and D-13)
- 9) On August 21, 2024, the Appellant submitted a Notice of Change in Payment signed by the tenant as proof of her shelter cost verification. (Exhibit D-13)
- 10) The Appellant is entitled to a standard income deduction in the amount of \$204. (Exhibits D-19 through D-22)
- 11) The Appellant's Net Adjusted Income, after applicable deductions is \$452.05. (Exhibits D-19 through D-22)
- 12) The maximum SNAP allotment for a Net Adjusted Income of \$452.05 is \$292 per month. (Exhibit D-22)
- 13) On August 26, 2024, the Respondent notified the Appellant of a reduction in her monthly SNAP allotment from \$198 to \$150 due to the household shelter cost decreasing, effective September 01, 2024. (Exhibit D-19)
- 14) On August 26, 2024, the Respondent notified the Appellant of an increase in her monthly SNAP allotment from \$150 to \$156 due to an increase in the standard deduction amount, effective October 01, 2024. (Exhibit D-20)
- 15) The Appellant contested the Respondent's decision and requested a Fair Hearing on August 23, 2024. (Exhibits D-4, D-8, D-14, and D-21)

APPLICABLE POLICY

The Code of Federal Regulations, 7 CFR § 273.9, provides, in part:

(a) **Income eligibility standards.** Participation in the Program 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 as defined in § 273.2(j)(2) or 273.2(j)(4) do not have to meet either the gross or net income eligibility standards. The net and gross income eligibility standards shall be based on the Federal income poverty levels established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

(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

(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

(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

(2) 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.

(c) ***Income exclusions.*** Only the following items shall be excluded from household income and no other income shall be excluded:

(1) Any gain or benefit which is not in the form of money payable directly to the household, including in-kind benefits and certain vendor payments. In-kind benefits are those for which no monetary payment is made on behalf of the household and

include meals, clothing, housing, or produce from a garden. A vendor payment is a money payment made on behalf of a household by a person or organization outside of the household directly to either the household's creditors or to a person or organization providing a service to the household.

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

(1) ***Standard deduction*** —

(i) ***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.

(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. Allowable medical costs are:

(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).

(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. The State agency may make a household with extremely low shelter costs ineligible for the deduction.

(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.

(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.

7 CFR § 273.10, provides, in part:

(2) **Application for recertification.** Eligibility for recertification shall be determined based on circumstances anticipated for the certification period starting the month following the expiration of the current certification period. The level of benefits for recertifications shall be based on the same anticipated circumstances, except for retrospectively budgeted households which shall be recertified in accordance with § 273.21(f)(2). If a household, other than a migrant or seasonal farmworker household, submits an application after the household's certification period has expired, that application shall be considered an initial application and benefits for that month shall be prorated in accordance with paragraph (a)(1)(ii) of this section. If a household's failure to timely apply for recertification was due to an error of the State agency and therefore there was a break in participation, the State agency shall follow the procedures in § 273.14(e). In addition, if the household submits an application for recertification prior to the end of its certification period but is found ineligible for the first month following the end of the certification period, then the first month of any subsequent participation shall be considered an initial month. Conversely, if the household submits an application for recertification prior to the end of its certification period and is found eligible for the first month following the end of the certification period, then that month shall not be an initial month.

(3) **Anticipated changes.** Because of anticipated changes, a household may be eligible for the month of application, but ineligible in the subsequent month. The

household shall be entitled to benefits for the month of application even if the processing of its application results in the benefits being issued in the subsequent month. Similarly, a household may be ineligible for the month of application, but eligible in the subsequent month due to anticipated changes in circumstances. Even though denied for the month of application, the household does not have to reapply in the subsequent month. The same application shall be used for the denial for the month of application and the determination of eligibility for subsequent months, within the timeliness standards in § 273.2.

(4) ***Changes in allotment levels.*** As a result of anticipating changes, the household's allotment for the month of application may differ from its allotment in subsequent months. The State agency shall establish a certification period for the longest possible period over which changes in the household's circumstances can be reasonably anticipated. The household's allotment shall vary month to month within the certification period to reflect changes anticipated at the time of certification, unless the household elects the averaging techniques in paragraphs (c)(3) and (d)(3) of this section.

(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. Net losses from the self-employment income of a farmer shall be offset in accordance with § 273.11(a)(2)(iii).

(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, unless a deduction has been subtracted in accordance with paragraph (e)(1)(i)(G) of this section. 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.

West Virginia Income Maintenance Manual (WVIMM) Chapter 4, Appendix A and Appendix B provides, in part:

For a one (1) person AG, the gross monthly income limit is \$1,255.00.

WVIMM Chapter 4 Appendix B provides, in part:

As of October 2023, the Standard Deduction for 1-3 person assistance group is \$204.00

WVIMM § 4.4.2.B provides, in part:

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.

WVIMM § 4.4.2.B.2 provides, in part:

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.

WVIMM § 4.4.2.B.6 provides, in part:

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. Only medical costs that are not reimbursable through a third party (insurance, Medicaid, etc.) are deducted. The deduction cannot be granted until the reimbursable portion of the expense is known.

WVIMM § 4.4.2.B.7 provides, in part:

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.

WVIMM § 4.4.2.C provides, in part:

Items considered in arriving at shelter expenses are the continuing amounts of:

- Rent.
- Mortgage payments. This includes second mortgages and home equity loans and any other loans for which the dwelling is used as collateral.
- Interest on mortgage payments.
- Condominium and association fees, regardless of purpose for the fees.
- Payments to an escrow account established to pay property taxes and homeowner's insurance.
- Property taxes and special tax assessments on the structure and lot required by State or local law. This does not include assessments such as police and fire fees, unless the fee is based on property valuation.
- Insurance on the structure and lot.
- Cost of repairing the home that was damaged or destroyed due to a natural disaster or misfortune including, but not limited to, fire, flood, or freezing temperatures.
- A car payment when a homeless AG lives in their vehicle.
- Insurance on the vehicle itself when a homeless AG lives in their vehicle.

WVIMM § 4.4.2.C.1 provides, in part:

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. 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.

Items that are considered utilities include, but are not limited to:

- Water, including well installation and maintenance
- Liquefied Petroleum Gas (LP or LPG) or natural gas
- Wood, wood pellets, coal, and heating oil
- Electricity
- Sewage, including septic tank system installation and maintenance
- Garbage collection
- The basic rate for one telephone, either landline or cellular service, but not both.

Items not considered utilities include, but are not limited to:

- Cable/digital/satellite television service
- Internet service
- Utility deposits
- Pre-paid cell phones

AGs that are obligated to pay a heating or cooling expense that is billed on a regular basis are eligible for the HCS. There does not have to be a monthly bill for heating or cooling throughout the year, just a regular bill for heating or cooling during the appropriate season.

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.

AGs that do not qualify for the HCS or the NHCS, but incur one utility expense, are eligible for the OUS.

WVIMM §§ 4.4.3.A through 4.4.3.C reads, in part:

When at least one AG member is elderly, which is at least age 60, or disabled as specified in Section 13.15, eligibility is determined by comparing the countable income to the maximum net monthly income found in Appendix A. There is no

gross income test.

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

- Step 1: Combine monthly gross countable earnings and monthly gross profit from self-employment (\$0)
- Step 2: Deduct 20% of Step 1 (- \$0)
- Step 3: Add the gross countable unearned income (+ \$868.70)
- Step 4: Subtract the Standard Deduction (- \$204.00)
- Step 5: Subtract allowable Dependent Care Expenses (- \$0)
- Step 6: Subtract the amount of legally obligated child support actually paid (- \$0)
- Step 7: Subtract the Homeless Shelter Deduction found in Appendix B (- \$0)
- Step 8: Subtract allowable medical expenses in excess of \$35 (- \$0)
- Step 9: Calculate 50% of the remaining income and compare it to the actual monthly shelter/SUA amount ($\$664.70 \div 2 = \332.35)
- Step 10: If the shelter/SUA costs are equal to or less than the amount found in step 9, no further computation is needed, the amount from step 8 is countable income. If the shelter/SUA costs are greater than step 9, the amount in excess of 50% is deducted to arrive at the countable income. Elderly/Disabled households are not subject to the shelter/utility cap. ($\$504.00 + \$41.00 = \$545.00 - \$332.35 = \$212.65$)
($\$664.70 - \$212.65 = \$452.05$)
- Step 11: Compare the countable income (\$452.05) to the maximum net income (\$1,255.00) in Appendix A for the AG size (1 person).

To determine the SNAP allotment, find the countable income and the maximum benefit allotment for the AG (\$292.00) 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 = \$135.60)
- Subtract 30% of net income (\$135.60) as calculated above from the maximum monthly benefit for the AG size (\$292.00) = \$156.00 Net SNAP Allotment

DISCUSSION

At the onset of the hearing, the parties agreed that the issue to be determined in the matter was the August 26, 2024 notice of SNAP reduction, and not the August 19, 2024 termination notice. The Appellant contests the Respondent's calculation of her monthly SNAP benefit allotment. The SNAP is governed by the U.S. Department of Agriculture Food Nutrition Services (USDA FNS). The USDA FNS determines the guidelines for States to use for budgeting purposes, including, but not limited to, allowable deduction amounts and maximum SNAP issuance amounts. Monthly

SNAP allotments are determined by an individual's countable income, after all allowable deductions have been applied. The Respondent bears the burden of proof to establish that the action taken against the Appellant was in accordance with policy. The Respondent had to prove by a preponderance of evidence that the Appellant's SNAP benefit monthly allotment was correctly calculated.

The Respondent testified that the Appellant previously received \$285 in SNAP benefits based on an income of \$675 and a \$496 SUA. On May 16, 2024, when the Appellant reported the onset of SSI benefits in the amount of \$193.70 per month, the Respondent updated the Appellant's case. On an unknown date, the Respondent notified the Appellant of a reduction of SNAP benefits from \$285 to \$198 per month, due to the household income increasing, effective June 01, 2024. On July 19, 2024, the Respondent notified the Appellant that her SNAP case was due for review in July 2024. On July 25, 2024, the Appellant submitted the completed review forms and reported a reduction in her monthly shelter cost from \$200 to \$41. On August 26, 2024, after receiving the Appellant's shelter cost verification, the Respondent issued a notice advising of a reduction in the Appellant's monthly SNAP allotment from \$198 to \$150 per month, due to a decrease in household shelter costs, effective September 01, 2024. It should be noted that, on August 26, 2024, the Respondent notified the Appellant of an increase in her monthly SNAP allotment from \$150 to \$156 due to an increase in the standard deduction amount, effective October 01, 2024.

At the time of the hearing, the Appellant did not contest the calculated amount of income, the deductions applied, or the calculation used to determine the AG's SNAP eligibility. In fact, the Appellant testified to the contrary when she stated that the Respondent's calculation of income and lowered shelter deduction amounts were correct. The Appellant testified that her current SNAP allotment is insufficient to meet her needs. The Appellant reasoned that the decreases in benefits will make it difficult for her to live, as she can't afford groceries. However, the Board of Review is unable to provide policy exceptions or modify policy to provide the Appellant a higher SNAP allotment. The Board of Review can only determine whether the Respondent correctly followed policy and regulations in its determination.

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).

When reviewing the evidence, the Respondent calculated the AG's gross monthly income to equal \$868.70. Because this amount was not contested by the Appellant, it was compared to policy to determine the AG's SNAP eligibility as follows: \$868.70 gross unearned income minus \$204.00 standard deduction equals \$664.70. The total shelter and SUA amount of \$545.00 (\$41.00 shelter cost plus SUA \$504.00) is compared to 50% of the remaining income (\$664.70 divided by 2 equals \$332.35). Because 50% of the Appellant's remaining income (\$332.35), is less than the Appellant's total shelter/utility costs (\$545.00) she is entitled to a shelter/SUA deduction (\$212.65). The Appellant's total countable income for SNAP is \$452.05. Thirty percent of the net income (\$135.60) is subtracted from the maximum SNAP allotment for the size of the assistance

group (\$292.00). When compared to the coupon allotment chart found in policy for an AG of one (1), the Appellant's AG is entitled to receive \$156.00 in monthly SNAP benefits. Based on the evidence and testimony provided at the hearing, the Respondent has shown that it correctly reduced the Appellant's SNAP benefit allotment.

CONCLUSIONS OF LAW

- 1) Pursuant to the policy, the Appellant is entitled to a standard deduction, resulting in an adjusted income of \$664.70.
- 2) Per policy the Appellant is entitled to a shelter/utility deduction in the amount of \$212.65, resulting in a net adjusted income of \$452.05.
- 3) When compared to the issuance chart for a one (1) person AG, the Appellant's Net Adjusted Income results in the Appellant's eligibility of \$150 in SNAP benefits per month beginning September 1, 2024.
- 4) Per policy, the standard deduction amount increased from \$198 to \$204, effective October 01, 2024
- 5) Because the standard deduction amount increased from \$198 to \$204, the Appellant's monthly SNAP allotment increased from \$150 to \$156, effective October 01, 2024.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to reduce the Appellant's SNAP benefit allotment effective September 01, 2024.

ENTERED this _____ day of October 2024.

**Angela D. Signore
State Hearing Officer**