



March 26, 2025

**REMOVED**

RE: **REMOVED** v. WV DoHS  
ACTION NO.: 25-BOR-1427

Dear **REMOVED**

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: Anna Yoder, WV DoHS/BFA

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

**REMOVED**

**Appellant,**

**v.**

**ACTION NO.: 25-BOR-1427**

**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 **REMOVED**. **REMOVED** 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 March 18, 2025.

The matter before the Hearing Officer arises from the February 14, 2025, decision by the Respondent to close the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits due to her failure to recertify benefits. Although this issue had been resolved and her benefits were recertified, the Appellant raised a new issue as to the amount of the approved SNAP benefit. Upon agreement by the parties, the hearing proceeded on the new issue.

At the hearing, the Respondent appeared by Anna Yoder, Economic Service Worker, Senior. The Appellant appeared *pro se*. The witnesses were placed under oath and the following documents were admitted into evidence:

**Department's Exhibits:**

- D-1 Verification Request (DFA-6), dated February 20, 2025
- D-2 SNAP approval letter, dated March 3, 2025

**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 in an Assistance Group (AG) of one.
- 2) The Appellant was required to undergo a review for recertification of her SNAP benefits.
- 3) On February 19, 2025, the Appellant requested a fair hearing in response to a February 14, 2025 closure notice for missing her review.
- 4) At the scheduled hearing on March 18, 2025, it was established that the Appellant had completed her SNAP review and her benefits had been approved on March 3, 2025, thereby rendering the issue on appeal moot.
- 5) The Appellant wanted to appeal the amount of the recertified SNAP benefits, which was not the basis of the appeal.
- 6) The Respondent's representative agreed to move forward on this new issue at the March 18, 2025 hearing.
- 7) The Appellant receives monthly unearned income from Social Security benefits of \$1,836.70. (Exhibit D-2)
- 8) The Appellant receives monthly earned income of \$449.44, which was based on her submitted pay statements. (Exhibit D-2)
- 9) The Appellant's submitted pay statements showed she worked 40 hours a month.
- 10) The Appellant's SNAP calculations included an earned income deduction (\$89.88), a standard deduction (\$204), a medical expense deduction (\$185.53), equaling a net adjusted income of \$1,806.73. (Exhibit D-2)
- 11) The Respondent deducted one-half of the net adjusted income amount noted above (\$903.36) from the total of the Appellant's verified shelter cost (\$1,020) and the standard utility allowance (\$504) set by policy, to determine an excess shelter/utility cost of \$620.64 for the Appellant. (Exhibit D-2)
- 12) The excess shelter/utility cost of \$620.64 was deducted from the Appellant's net income of \$1,806.73, for a net adjusted income of \$1,186.09. (Exhibit D-2)
- 13) The net adjusted income of \$1,186.09 was multiplied by 30%, which equaled \$355.80, which is deducted from the maximum SNAP allotment amount of \$292.
- 14) The Respondent determined that the Appellant is eligible to receive the minimum SNAP benefit of \$23. (Exhibit D-2)

## **APPLICABLE POLICY**

**Code of Federal Regulations, 7 CFR §273.9.d, lists the allowable income deductions in calculating SNAP eligibility.**

**7 CFR §273.10.e, et seq., discusses steps in SNAP calculations:**

***Calculating net income and benefit levels - Net monthly income.*** 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.

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.

***Eligibility and benefits.***

- (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:
- (I) The State agency shall round the 30 percent of net income up to the nearest higher dollar; or
- ...
- (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.

**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, in part:***

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.

**WV IMM, Chapter 4, §4.4.2.B, et. seq., describes the allowable deductions for SNAP eligibility.**

**WV IMM, Chapter 4, Appendix A, *Income Chart*** states that the maximum benefit allotment for a one-person AG is \$292.

### **DISCUSSION**

The Appellant is a recipient of SNAP benefits in an Assistance Group (AG) of one who was required to undergo an eligibility review for recertification. Because the Appellant had not completed her SNAP recertification, the Respondent issued a notice of closure on February 14, 2025. On February 19, 2025, the Appellant requested a fair hearing based on the missed review closure. At the scheduled hearing, it was established that the Appellant had completed her SNAP recertification, and her benefits had been approved on March 3, 2025.

The Appellant wanted to appeal the amount of the recertified SNAP benefits, which was not the basis of the appeal. However, the Respondent's representative, Anna Yoder, agreed to move forward on this new issue at the March 18, 2025 hearing.

The Appellant contested the earned income amount, stating that she only works eight hours a week. However, Ms. Yoder testified that the earned income calculation was based upon the five weekly pay statements the Appellant submitted which showed she worked 40 hours in the month of January. Although the Appellant did not dispute the income deductions used in the SNAP calculation, Ms. Yoder explained that the Appellant's shelter expense of \$1,020, medical expenses of \$185.53, and the highest utility expense allowed of \$504, were used in determining her SNAP allotment.

Pursuant to state policy and federal regulations, monthly SNAP allotments are determined by an AG's countable income, after all allowable deductions have been applied. The Respondent applied a \$89.88 earned income deduction, a \$204 standard deduction, and a medical expense deduction of \$185.53 to the Appellant's \$2,286.14 gross income, for a net adjusted income of \$1,806.73. Next, a \$1,020 shelter cost and \$504 heating/cooling allowance were used when calculating the shelter/utility deduction. The Respondent deducted one-half of the net adjusted income amount noted above which equaled \$903.36 from the total of the Appellant's verified shelter cost of \$1,020 and the standard utility allowance of \$504, to determine an excess shelter/utility cost of \$620.64 for the Appellant. The net adjusted income of \$1,186.09, which is multiplied by 30%, totals \$355.80, which is then deducted from the maximum SNAP allotment amount of \$292. Although the Appellant's income was more than the maximum allowable SNAP allotment, the Respondent determined that the Appellant was eligible for the minimum monthly SNAP allotment of \$23.

Whereas the Respondent showed by a preponderance of evidence that the Appellant's monthly SNAP allotment was correctly calculated, the Respondent's March 3, 2025 SNAP determination is affirmed.

### **CONCLUSIONS OF LAW**

- 1) State policy and federal regulations require monthly SNAP allotments to be determined by an AG's countable income, after all allowable deductions have been applied.
- 2) Based on the evidence presented, the Respondent showed by a preponderance of evidence that it correctly determined that the Appellant was eligible for the minimal monthly SNAP allotment of \$23.

### **DECISION**

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

**ENTERED this 26<sup>th</sup> day of March 2025.**

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Lori Woodward, Certified State Hearing Officer