



August 26, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS
ACTION NO.: 25-BOR-2489

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 ensure that all persons are treated alike.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Lori Woodward, J.D.
Certified State Hearing Officer
Member, State Board of Review

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

cc: Barbara Bolinger, WV DoHS/BFA

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

[REDACTED],

Appellant,

v.

ACTION NO.: 25-BOR-2489

**WEST VIRGINIA DEPARTMENT OF HUMAN SERVICES
BUREAU FOR FAMILY ASSISTANCE**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for [REDACTED]. This hearing was held in accordance with the provisions found in Chapter 700 of the Office of Inspector General Common Chapters Manual. This fair hearing was convened on August 19, 2025.

The matter before the Hearing Officer arises from the July 18, 2025, determination by the Respondent to deny Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Barbara Bolinger, Economic Service Supervisor. The Appellant was self-represented. Appearing as a witness for the Appellant was [REDACTED]. The witnesses were placed under oath and the following documents were admitted into evidence:

Department's Exhibits:

- D-1 WV Income Maintenance Manual, Chapter 4, §4.3.1, Chart 1
- D-2 Department of Veterans Affairs Award Letter [REDACTED], dated February 28, 2025; Department of Veterans Affairs Award Letter [REDACTED], dated February 28, 2025
- D-3 Notice of denial (excerpt), dated July 18, 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 applied for SNAP benefits on July 4, 2025 for an Assistance Group (AG) of 3.
- 2) The Appellant receives service-related disability payments from the Department of Veterans Affairs of \$3,831.30 and [REDACTED] receives \$346.95, for a total gross income amount of \$4,178.25 for the AG. (Exhibit D-2)
- 3) The Appellant has a shelter/utility expense of \$994.
- 4) West Virginia Income Maintenance Manual (WV IMM) establishes the monthly gross income limit for an AG of 3 at \$2,798 and net income limit of \$2,152.
- 5) On July 18, 2025, the Respondent issued a denial notice to the Appellant due to excessive income which did not reflect the Appellant's \$994 in shelter/utility expense.
- 6) When the Appellant's uncapped shelter/utility expense is deducted from the net adjusted income of \$3,974.25, the Appellant remains over the income limit for SNAP eligibility.

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
- ...
- (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.

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.

West Virginia Income Maintenance Manual § 4.4.3, in 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, including the WV WORKS benefit and any amount reduced or being repaid to WV WORKS due to failure to comply with a program requirement. See Section 4.4.4.
- Step 4: Subtract the Standard Deduction found in Appendix B.
- Step 5: Subtract allowable Dependent Care Expenses.
- Step 6: Subtract the amount of legally obligated child support actually paid.
- Step 7: Subtract the Homeless Shelter Standard Deduction found in Appendix B.
- Step 8: Subtract allowable medical expenses in excess of \$35.
- Step 9: Calculate 50% of the remaining income and compare it to the actual monthly shelter/SUA amount.

Step 10:

	No One Elderly or Disabled	At Least One Person Elderly or Disabled
Shelter/SUA Equal to Or Less Than Step 9	No further computation is needed. The amount from Step 8 is the countable income.	No further computation is needed. The amount from Step 8 is the countable income.
Shelter/SUA Greater Than Step 9	The amount in excess of 50%, not to exceed the shelter/utility cap, in Appendix B is deducted to arrive at countable income.	The amount in excess of 50% is deducted, without regard to the shelter/utility cap, in Appendix B to arrive at countable income.

Step 11: Compare the countable income to the maximum net income in Appendix A for the AG size. This net income test does not apply to Categorically Eligible AGs. See Chapter 1.

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, 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. **EXCEPTION:** The cap on the shelter/utility deduction does not apply when the SNAP AG includes an individual who is elderly or disabled, as defined in Section 13.15.

WV IMM, Chapter 4, §4.3.1, *Chart 1, 98.b*, instructs that Veterans Benefits are included in income as unearned income for SNAP purposes.

WV IMM, Chapter 4, Appendix A, *Income Limits*:

130% of the FPL for a three-person AG = \$2,798 (gross income limit)

100% of the FPL for a three-person AG = \$2,152 (net income limit)

WV IMM, Chapter 4, Appendix A, *Standard Deductions and Allowances for SNAP*:

1-3 AG = \$204

DISCUSSION

The Appellant applied for SNAP benefits for an assistance group of three on July 4, 2025. Veterans Benefit Award letters verified service-related disability payments of \$3,831.30 to the Appellant and \$346.95 for [REDACTED], for a total monthly gross income (GI) of \$4,178.25

for the AG. After a standard deduction of \$204 was deducted from the GI, the adjusted net income was \$3,974.25. On July 18, 2025, the Respondent issued a denial notice to the Appellant as the AG was over the allowable income limit for an AG of 3.

The Appellant contests the Respondent's decision stating that no shelter/utility expenses were deducted from the calculation of net income. The Appellant stated that their monthly shelter/utility expense is \$995. The Respondent's representative testified that their computer system shows there is a shelter/utility expense of \$994. This amount was not reflected in the statement of calculation on the July 18, 2025 denial notice.

Although there was no definitive explanation as to why the shelter/utility expense was not reflected in the July 18, 2025 statement of calculation, when it is entered into the calculations, the Appellant would continue to be ineligible for SNAP benefits. In determining the allowable shelter/utility deduction, 50% of the net adjusted income of \$3,974.25 (\$1,987.125) is used to subtract the shelter cost of \$994, which equals \$993.125. According to policy, if this amount is less than or equal to the actual shelter/utility costs, for AG's with at least one disabled person, the full amount may be used. Therefore, the \$994 is then deducted from the net adjusted income of \$3,974.25, which equals \$2,980.25. Policy establishes that the allowable net income limit for an AG of 3 is \$2,152. The Appellant's AG is not eligible for SNAP benefits.

Although the Respondent's statement of calculations in its July 18, 2025 denial notice failed to show the Appellant's shelter/utility costs, when added into the calculations, it would not affect the Appellant's eligibility. Because the Appellant's AG is over the income limit for SNAP eligibility, the Respondent's decision is affirmed.

CONCLUSION OF LAW

Whereas, the Appellant is over the income limit established by state policy and federal regulations, the Respondent must deny the Appellant's SNAP application.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's denial of the Appellant's SNAP application.

ENTERED this 26th day of August 2025.

Lori Woodward, Certified State Hearing Officer