



September 9, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA
ACTION NOS.: 25-BOR-2504 and 25-BOR-2505

Dear Ms. [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,

Tara B. Thompson, MLS
Certified State Hearing Officer
Member, State Board of Review

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

cc: Leslie Riddle, [REDACTED] County DoHS

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

[REDACTED]

Appellant,

v.

Action Numbers: 25-BOR-2504 and 25-BOR-2505

**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 26, 2025.

The matter before the Hearing Officer arises from the Respondent's June 6, 2025 decision to reduce the amount of the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits and terminate her Adult Medicaid eligibility.

At the hearing, the Respondent appeared by Leslie Riddle, [REDACTED] County DoHS. The Appellant appeared and was self-represented. Both parties were placed under oath and the following exhibits were entered into the record.

Department's Exhibits:

- D-1 DoHS Notice, dated July 30, 2025
- D-2 SNAP Change Report form, received by DoHS on July 24, 2025
- D-3 DoHS Notice, dated July 30, 2025
- D-4 People's Access To Help (PATH) Case Benefit Summary
- D-5 PATH screen print, SNAP benefit # 60059295
- D-6 PATH screen print, SNAP benefit # 60082907
- D-7 DoHS Notice of Decision, dated August 4, 2025
- D-8 West Virginia Income Maintenance Manual (WVIMM) Chapter 10 excerpts
- D-9 WVIMM Income Chart
- D-10 DoHS Notice, dated June 6, 2025
- D-11 DoHS Notice, dated July 30, 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) [REDACTED] and [REDACTED] are members of the Appellant's household but are not included in her SNAP and Medicaid Income or Needs Groups (Exhibits D-1, D-3, D-4, D-10, and D-11).
- 2) On May 22, 2025, the Appellant completed her SNAP and Adult Medicaid eligibility interview and the Respondent pended the Appellant's eligibility for verification of income.
- 3) The Appellant submitted April 25 and May 9, 2025 paystubs to verify her bi-weekly earned income.
- 4) On April 25, 2025, the Appellant received \$893.03 gross earned income for 56.15 hours of work.
- 5) On May 9, 2025, the Appellant received \$977.54 gross earned income for 72.4 hours of work.
- 6) To determine an amount of monthly income for the Appellant, the Respondent averaged the April 25 and May 9, 2025 gross earned income amounts.
- 7) The Respondent's representative testified that the pay average equaled \$935.28.
- 8) The Respondent's representative testified that the average pay amount was multiplied by 2.15, to obtain an average \$2,010.86 gross monthly income amount.
- 9) On July 24, 2025, the Appellant reported that she was unemployed (Exhibit D-2).

SNAP Benefit Allotment

- 10) The Appellant received \$47 in monthly SNAP benefits for a one-person Assistance Group (AG) from December 8, 2024 through May 8, 2025 (Exhibit D-4).
- 11) On June 6, 2025, the Respondent issued a notice advising the Appellant she was eligible for \$23 of monthly SNAP benefits, beginning July 1, 2025.

- 12) Beginning October 1, 2024, the minimum benefit level for the 48 states and D.C. was \$23, as established by the U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS).
- 13) When making the June 6, 2025 SNAP benefit allotment decision, the Respondent considered \$2,010.86 in monthly gross earned income for the Appellant.
- 14) When making the June 6, 2025 SNAP benefit allotment decision, the Respondent applied a \$402.17 earned income deduction, and \$204 standard deduction. Deductions were not applied for medical expenses, dependent care, support payments, or shelter/utilities.
- 15) When making the June 6, 2025 SNAP benefit allotment decision, the Respondent considered \$1,404.69 monthly net adjusted income.
- 16) At the time of the June 6, 2025 SNAP benefit allotment decision, the maximum SNAP allotment for a one-person AG was \$292.
- 17) The Appellant was issued \$23 in monthly SNAP benefits for a one-person AG on June 5, July 8, and August 8, 2025 (Exhibits D-4 and D-5).
- 18) On August 1, 2025, the Appellant received \$269 in SNAP benefits (Exhibit D-4 and D-6).

Adult Medicaid

- 19) On June 6, 2025, the Respondent issued a notice advising the Appellant her Adult Medicaid benefits would be terminated after June 30, 2025, because her \$2,010.86 gross monthly income exceeded the \$1,735.00 Adult Medicaid eligibility limit (Exhibit D-10).
- 20) When making the June 6, 2025 Adult Medicaid eligibility decision, deductions for unearned income, self-employment income, self-employment expenses, and MAGI income were not applied (Exhibit D-10).
- 21) On July 30, 2025, the Respondent issued a notice advising that the Appellant's Adult Medicaid eligibility was restored beginning on August 1, 2025 (Exhibit D-11).
- 22) The July 30, 2025 Adult Medicaid eligibility decision was based on \$0 monthly gross earned income for the Appellant (Exhibit D-11).

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WVIMM) § 4.6.1 *Budgeting Method* and § 4.6.1.A *Methods for Reasonably Anticipating Income*, provide that to determine the household's income for the certification period or period of consideration, a monthly amount of income must be calculated. For all cases, income is projected; past income is used only when it reflects the income the client reasonably expects to receive during the certification period.

Past income is used only when income from the source is expected to continue into the certification period and the amount of income from the same source is expected to be more or less the same. For these purposes, the same source of earned income means income from the same employer, not just the continued receipt of earned income.

WVIMM § 4.6.1.D *How to Use Past and Future Income* provides that the Worker determines the amount of monthly income based on the frequency of receipt and whether the amount is stable or fluctuates. The purpose of finding an average amount of fluctuating income is to even out the highs and lows in the amount of income. The client is not, then, required to report fluctuating income each pay period and the Worker is not required to change income monthly.

When the income is received more often than monthly and the amount fluctuates, the Worker must convert the amount per pay period to a monthly amount by finding the average amount per period and converting it to a monthly amount. To convert a biweekly amount, the Worker must multiply an actual or averaged amount by 2.15.

WVIMM Chapter 4, Appendix A *Income Limits* provides that for a one-person AG, 133% of the FPL is \$1,735; and 150% of the FPL is \$1,957.

SNAP

Code of Federal Regulations 7 CFR § 273.9(b)(1)(i) *Definition of income* provides that household earned income includes all wages and salaries of an employee.

Code of Federal Regulations 7 CFR § 273.10(c)(1) *Determining Income – Anticipating income* provides in the relevant sections:

- i. The State agency shall take into account the income already received by the household during the certification period and any anticipated income the household and the State agency are reasonably certain will be received during the remainder of the certification period. If the amount of income that will be received, or when it will be received, is uncertain, that portion of the household's income that is uncertain shall not be counted by the State agency. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average. Households shall be advised to report all changes in gross monthly income as required by § 273.12.
- ii. Income received during the past 30 days shall be used as an indicator of the income that is and will be available to the household during the certification period. However, the State agency shall not use past income as an indicator of income anticipated for the recertification period if changes in income have occurred or can be anticipated. If income fluctuates to the extent that a 30-day period alone cannot provide an accurate indication of anticipated income, the State agency and the household may use a longer period of past time if it will provide a more accurate indication of anticipated fluctuations in future income

Code of Federal Regulations 7 CFR § 273.10 *Determining household eligibility and benefit levels* provides in the relevant sections:

(a) *Month of application –*

(1) *Determination of eligibility and benefit levels.*

- i. A household's eligibility shall be determined for the month of application by considering the household's circumstances for the entire month of application. Most households will have the eligibility determination based on circumstances for the entire calendar month in which the household filed its application ...
- 1) *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

(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 earned and unearned income of all household members, minus income exclusions, to determine the household's total gross income ...
 - C. Subtract the standard deduction
 - D. If the household is entitled to an excess medical deduction, determine if total medical expenses exceed \$35. If so, subtract that portion which exceeds \$35....
 - E. 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% 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 (e)(1)(i)(I) of this section.
 - F. 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 application 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 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.

(2) *Eligibility and benefits –*

- i.
 - A. Households that contain an elderly or disabled member shall have their net income, as calculated in paragraph (e)(1) 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.

ii.

A. The household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30% of the household's net monthly income. If 30 percent of the household's net income ends in cents, the State agency shall round in 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 the 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.

(4) Thrifty Food Plan (TFP) and Maximum SNAP Allotments.

i. The TFP amounts and maximum allotments in each area are adjusted annually and will be prescribed in a table posted on the FNS website at www.fns.usda.gov/fsp. [From October 1, 2024, through September 30, 2025, for a one-person household \$292 is the maximum monthly allotment. (www.fns.usda.gov/snap/recipient/eligibility)].

WVIMM § 1.4.17.C.3 Presumed Eligibility Requirements provides that once it is determined that an AG qualifies for Categorical Eligibility, the following eligibility requirements are presumed to be met: asset limit, gross income limit, net income limit, sponsored non-citizen information, residency, and SSN information All other eligibility requirements of the SNAP program are applicable to categorically eligible AGs.

NOTE: While categorically eligible AGs are presumed to meet both income limits, those with more than two members are not automatically eligible for SNAP. The monthly net income of an AG must be eligible for an issuance based on IMM 4.4.3.C. Categorically eligible AGs containing one or two individuals automatically receive the minimum benefit, unless it is a prorated benefit.

WVIMM § 3.2.1.A The Assistance Group – Who Must be Included? Provides that the SNAP AG must include all eligible individuals who both live together and purchase food and prepare meals together, except residents of shelters for battered persons.

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WVIMM § 3.2.2 The Income Group stipulates the income group includes all AG members and all individuals who live in the AG and would otherwise be included in the AG if not ineligible, disqualified, or excluded by law.

WVIMM § 3.2.3 The Needs Group (NG) provides the income limit for the number of eligible individuals in the AG is used to determine eligibility and the amount of the benefit. Normally, all AG members are included in one case number.

WVIMM Chapter 4 Appendix A-Income Chart provides that the maximum benefit allotment for a one-person AG is \$292.

WVIMM § 4.4.2.B.1 Earned Income Disregard provides that 20% of gross countable earned income is disregarded.

WVIMM § 4.4.2.B.2 Standard Deduction provides that 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 Chapter 4 Appendix B – Standard Deductions and Allowances for SNAP provides that for a one to three-person AG, the standard deduction is \$204.

WVIMM § 10.4.3.A.2 Effective Date of the Change — Increase in Benefits, All other Changes provides that for reported changes that result in an increase in benefits, changes are made as follows:

- If the next issuance date is more than 10 days after the date of the change is reported, the change is effective the month following the report month.
- If the next issuance date is within 10 days of the date the change is reported, the change is effective two months after the reported month.

The ten-day period includes the date of the report and takes the staggered benefit issuance date into consideration.

WVIMM § 4.4.3.B Determining Countable Income provides that the following steps are used to determine countable income for cases meeting the eligibility tests above.

Step 1: Determine monthly gross countable income

Step 2: Deduct 20% of Step 1.

Step 3: Add the gross countable unearned income.

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: If the Shelter/SUA is equal to or less than Step 9 and no one is elderly or disabled, no further computation is needed. The amount from Step 8 is the countable income

WVIMM § 4.4.3.C Determining the Amount of the Benefit provides in part:

To determine the SNAP allotment, find the countable income and the maximum benefit allotment for the AG in Appendix A. One-person or two-person AGs who are categorically eligible automatically receive the minimum SNAP benefit. The Worker will determine the benefit amount by using the following method:

Multiply net income by 30% (round up):

EXAMPLE: \$ 554 Net monthly Income
x .30
\$ 166.30 = \$167

Subtract 30% of the net income as calculated from the maximum monthly benefit for the AG size.

EXAMPLE: \$973 Maximum Allotment for four
- 167 30% of net income
\$806 SNAP benefit for a full month

MEDICAID

WVIMM § 3.7 Adult Group provides that Medicaid coverage is provided to individuals age 19 or older and under age 65 who are not otherwise eligible for and enrolled in another categorically mandatory Medicaid coverage group, and are not entitled to or enrolled in Medicare Part A or B. Eligibility for this group is determined using Modified Adjusted Gross Income (MAGI) methodologies established in Section 4.7.

WVIMM § 3.6.2 The MAGI Household Income Group (IG) and Needs Group (NG) provides that the methodology for determining the MAGI household's IG and NG is the same as found in section 3.7.

WVIMM § 3.7.2 The MAGI Household Income Group (IG) provides that the income of each member of the individual's MAGI household is counted.

WVIMM § 4.7 MAGI Methodology — Adult Group and § 4.7.2 Calculating MAGI provides that MAGI methodology is used to determine financial eligibility for the Adult Group. MAGI-based income includes adjusted gross income. To calculate MAGI, determine the adjusted gross income amount for each member of the MAGI household whose income will count for the current month. The Worker uses the budgeting method established in Section 4.6.1, *Budgeting Method* to anticipate future income amounts, consider past income sources, and build monthly income amounts based upon the applicant's reported income.

WVIMM § 4.7.2.B Step 2 – Make Adjustments/ Deductions provides that allowable deductions include alimony, student loan interest, educator expenses, self-employment net loss carryover and other self-employment related considerations, IRA deductions, and moving expenses for active-duty military members.

WVIMM § 4.7.3 MAGI-Based Income Disregard provides that the only allowable income disregard is an amount equivalent to five percentage points of 100% of the Federal Poverty Level (FPL) for the applicable MAGI household size. The 5% FPL income disregard is not applied to every MAGI eligibility determination and should not be used to determine the MAGI coverage

group for which the individual may be eligible. The 5% FPL disregard will be applied to the highest MAGI income limit for which an individual may be determined eligible.

WVIMM § 23.10.4 Adult Group provides that to be eligible for Adult Group Medicaid benefits, the income must be equal to or below 133% FPL.

WVIMM §§ 10.6.5.A-B Assistance Group (AG) Closures and § 10.8.1 Change in Income provides: When the client's income changes to the point that he becomes ineligible, the AG is closed.

DISCUSSION

On June 6, 2025, the Respondent decided the Appellant's monthly SNAP allotment would decrease from \$47 to \$23, effective July 1, 2025. The Appellant contested the Respondent's monthly SNAP allotment amount and argued that she no longer receives earned income.

The Board of Review may only determine whether the agency followed the policy when deciding the amount of the Appellant's monthly SNAP allotment and Medicaid eligibility. Maximum and Minimum SNAP allotments are adjusted annually and posted on the U.S. Department of Agriculture Food and Nutrition Service (FNS) website. From October 1, 2024, through September 30, 2025, \$292 is the maximum monthly SNAP allotment available to a one-person AG.

At the onset of the hearing, the Respondent's representative affirmed that her testimony was true and correct to the best of her knowledge. The Respondent's representative testified that the Appellant submitted paystubs dated April 25 and May 9, 2025, to verify her earned income during her benefit eligibility review. During the hearing, the Respondent testified to the amount of bi-weekly income reflected on the submitted pay verification. The Appellant did not dispute the bi-weekly pay amounts or contest the Respondent's application of income deductions when determining her eligibility.

During the hearing, testimony was provided regarding actions taken by the Respondent to restore the Appellant's Medicaid eligibility and increase her SNAP benefit allotment after the Appellant reported that she was unemployed. As the Appellant's loss of income was reported more than ten days before the scheduled August 8, 2025, SNAP issuance, the policy provides that the Appellant's increased SNAP allotment should be effective for August 2025. Pursuant to the evidence, the Respondent issued a supplemental August 2025 SNAP payment to rectify an agency error made by the Respondent's failure to issue the increased SNAP allotment on August 8, 2025. Because the Appellant did not report her loss of employment until after the June 6, 2025, SNAP allotment decision, the Respondent was unable to consider the Appellant's income loss when calculating the Appellant's June 6, 2025, SNAP benefit allotment.

According to the policy, determining the household's gross monthly income amount for SNAP and Adult Medicaid is calculated as follows:

For income that fluctuates in amount and is received more often than monthly, the Worker must convert the amount per pay period to a monthly amount by finding the average amount per period and converting it to a monthly amount. According to the submitted evidence, the Appellant submitted the following bi-weekly pays for income verification:

\$893.03	April 25, 2025
+ \$977.54	May 9, 2025
<u>\$1, 870.57 ÷ 2 = 935.285 average pay</u>	

Next, the policy instructs the Respondent to convert a biweekly amount by multiplying an averaged amount by 2.15.

\$935.285	average
X 2.15	
<u>\$2,010.86</u>	average monthly income

SNAP ALLOTMENT

To prove that the Respondent's June 6, 2025, SNAP allotment decision was accurate, the preponderance of evidence had to reveal that the Appellant was eligible for \$23 in monthly SNAP benefits, beginning on July 1, 2025.

The policy instructs that a 20% earned income disregard must be applied to the gross countable earned income.

\$2, 010.86275	average monthly income
X .20	
<u>\$ 402.17255</u>	20% earned income disregard
 \$ 2010.86275	average monthly income
 - <u>402.17255</u>	20% earned income disregard
 \$ 1,608.6902	

The SNAP regulations provide that a standard deduction is then applied to the average monthly income amount:

\$1,608.6902	remaining earned income
- 204	standard deduction
<u>\$1,404.6902</u>	net monthly income

The evidence did not indicate that the Appellant was eligible for medical expense, dependent care, support payments, or shelter/utility deductions. According to the policy, the Respondent is instructed to round down to arrive at the Appellant's \$1,404.69 net adjusted income amount.

To determine the SNAP allotment, the Respondent must multiply the net income by 30% and round up:

\$1,404.69	net monthly income
X .30	
\$ 421.41	

To arrive at the amount of the AG's monthly SNAP benefit allotment, policy instructs the Respondent to subtract 30% of the net income from the maximum monthly benefit for the AG size. The amount remaining after subtracting 30% of the net income is the amount of monthly SNAP allotment. According to the policy, \$292 was the maximum SNAP allotment for a one-person AG. The policy provides that although there is no gross or net income test for categorically eligible individuals, countable SNAP income must be used to determine the level of benefits.

\$292	maximum SNAP allotment for one
-421.41	30% of NET income
\$0	SNAP allotment entitlement

Although the Appellant's income qualified her to receive \$0 in SNAP benefits, the policy stipulates that categorically eligible AGs containing one or two individuals automatically receive the minimum benefit. Pursuant to FNS, \$23 is the minimum SNAP allotment for categorically eligible AGs. The preponderance of evidence demonstrated that the Respondent correctly determined the Appellant's SNAP allotment, effective July 1, 2025.

Medicaid Eligibility

According to the policy, to be eligible for Adult Medicaid, the Appellant's monthly income could not exceed \$1,735. The evidence did not demonstrate that the Appellant was eligible for income deductions when determining her Adult Medicaid eligibility. As the preponderance of evidence revealed the Appellant's \$2,010.86 income exceeded the eligibility limit, the Respondent's decision to deny the Appellant's eligibility must be affirmed.

CONCLUSIONS OF LAW

- 1) Monthly SNAP allotments are determined by an AG's countable income after allowable deductions have been applied.
- 2) The preponderance of evidence revealed that the Respondent correctly calculated the Appellant's \$23 monthly SNAP allotment, beginning in July 2025.
- 3) For a one-person AG, the Appellant's income could not exceed \$1,735.
- 4) The preponderance of evidence revealed that the Appellant's \$2,010.86 gross earned income exceeded the Adult Medicaid eligibility limit.

- 5) The Respondent correctly terminated the Appellant's Adult Medicaid benefits, effective July 2025, because her income exceeded the eligibility limit.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to terminate the Appellant's Adult Medicaid benefits and reduce the Appellant's monthly SNAP allotment to \$23, effective July 1, 2025.

ENTERED this 9th day of September 2025.

Tara B. Thompson, MLS
Certified State Hearing Officer