



October 28, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 25-BOR-2880 and 25-BOR-2881

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 (DoHS). 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: Samantha Fluharty, DoHS

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

██████████,

Appellant,

v.

**Action Numbers: 25-BOR-2880 and
25-BOR-2881**

**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 8, 2025.

The matter before the Hearing Officer arises from the Respondent's decision made on August 25, 2025, regarding the amount of the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits and the decision made on September 9, 2025, to terminate the Appellant's Medicare Premium Assistance benefits.

At the hearing, the Respondent appeared by Lori Brown, ██████████ DoHS. Appearing as a witness for the Respondent was Samantha Fluharty, ██████████ DoHS. The Appellant appeared and was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

None

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 receives SNAP benefits for a two-person Assistance Group (AG).
- 2) The Appellant was a recipient of Medicare Premium Assistance for a one-person AG.
- 3) The Appellant completed a full eligibility review.
- 4) On August 25, 2025, the Respondent approved the Appellant for \$23 in monthly SNAP benefits for a two-person AG.
- 5) When determining SNAP eligibility, the Respondent considered \$2,928 in monthly gross unearned income for the household, including Social Security Disability Insurance (SSDI) for the Appellant and his spouse.
- 6) The Respondent applied a \$204.00 standard deduction and \$150 medical expense deduction when making the SNAP allotment decision. Deductions were not applied for dependent care, support payments, or shelter/utility expense.
- 7) When making the SNAP benefit allotment decision, the Respondent considered \$2,574 monthly net adjusted income for the household.
- 8) On September 9, 2025, the Respondent denied the Appellant's eligibility for Medicare Premium Assistance for a one-person AG because his income exceeded the Medicaid eligibility limit.
- 9) The Appellant receives \$1,941 in monthly SSDI income.
- 10) The Respondent applied a \$20 income disregard when deciding the Appellant's Medicaid eligibility.
- 11) 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).
- 12) At the time of the SNAP benefit allotment decision, the maximum SNAP allotment for a two-person AG was \$536.
- 13) The Appellant's AG was categorically eligible.

APPLICABLE POLICY

SNAP

Code of Federal Regulations 7 CFR § 273.9 *Income and deductions* provides that households which contain an elderly or disabled member shall meet the net income eligibility standards for

SNAP Households which are categorically eligible 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.

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 ...

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

(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 two-person household \$536 is the maximum monthly allotment. (www.fns.usda.gov/snap/recipient/eligibility)].

WVIMM § 4.4.4.A *Categorical Eligibility* provides that although there is no gross or net income test, countable SNAP income to determine the level of benefit is calculated the same way it is for all other SNAP AGs.

WVIMM Chapter 4 *Appendix A-Income Chart* provides that the maximum benefit allotment for a two-person AG is \$536.

WVIMM Chapter 4 *Appendix B – Standard Deductions and Allowances for SNAP (October 2024)* provides that for a one to three-person AG, the standard deduction is \$204.

WVIMM § 4.3.1.82 and § 4.3.1.73 *Charts of Income Sources — Chart 1* provides that for SNAP, Social Security payments are counted as unearned 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

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.

Medicare Premium Assistance

WVIMM Chapter 4, Appendix A and § 4.12.1 *Medicaid for QMB, SLIMB, QI-1 — Determining Eligibility* provide that countable income is determined by subtracting any allowable disregards and deductions from the total countable gross income. To determine countable income:

Step 1: Determine the total countable gross unearned income ...

Step 2: Determine the total countable gross earned income ...

Step 3: Add the results from Step 1 and Step 2 to achieve the total monthly countable income

Step 4: Compare the amount in Step 3 to the QMB, SLIMB, or QI-1 income levels ...

If the amount is less than or equal to the QMB, SLIMB, or QI-1 income levels, the client is eligible.

The following Medicare Premium Assistance income eligibility limits for a one-person Assistance Group (AG):

QMB: \$1,305
SLIMB: \$1,565
QI-1: \$1,761

If the countable income is less than or equal to QMB, SLIMB, or QI-1 income levels, the client is eligible. Eligibility for these coverage groups is determined as follows:

QMB: Income is less than or equal to 100% FPL
SLIMB: Income is greater than 100% FPL, but less than or equal to 120% FPL
QI-1: Income is greater than 120% FPL but less than or equal to 135% FPL

WVIMM § 4.14.2.B.1 \$20 Disregard provides that a \$20 disregard is applied to the total gross unearned income.

DISCUSSION

The Appellant disputed the Respondent's decision regarding his Medicare Premium Assistance eligibility and SNAP allotment. During the hearing, the Appellant did not dispute the amount of income used to determine his SNAP and Medicare Premium Assistance (MPA) eligibility. The Appellant's testimony affirmed that the income amounts appearing on the notices were correct representations of the household's income.

Authority has not been granted to the Board of Review to change the income limits established in the policy. The Hearing Officer cannot judge the policy and can only determine if the Respondent followed the policy when deciding the Appellant's eligibility for Medicare Premium Assistance and monthly SNAP allotment.

The Respondent bears the burden of proof to demonstrate by a preponderance of evidence that the Appellant was correctly denied Medicare Premium Assistance because his income exceeded the eligibility limit. Further, the Respondent had to prove that the amount SNAP allotment was correctly calculated.

Medicare Premium Assistance

The Appellant completed a full eligibility review and was denied eligibility for Medicare Premium Assistance. The Appellant contended that he could not afford his living costs and his Medicare premium.

The Medicare Premium Assistance coverage group with the highest income limit is QI-1. To be eligible for QI-1 Medicare Premium Assistance, the Appellant's gross monthly income could not exceed \$1,761. According to the policy, only the Appellant's income is considered when determining eligibility.

To determine eligibility, the policy instructs the Respondent to determine the total countable gross unearned income. During the hearing, the Respondent's representative testified the Appellant was evaluated as a one-person AG. According to the submitted notices and testimony, Appellant receives \$1,941 in monthly Social Security Disability/Wage Earner income.

According to the policy, a \$20 income disregard may be applied to determine the Appellant's countable net income:

\$1,941	Social Security Disability/Wage Earner income
- 20	Income Disregard
<u>\$ 1,921</u>	Countable Net Income

During the hearing, the potential income disregards were reviewed with the Appellant. The submitted information did not indicate the Appellant was eligible for any other income deductions or adjustments reflected in WVIMM § 4.12.2. Because the Appellant's \$1,921 countable net income exceeded the \$1,761 income eligibility limit for QI-1, the Respondent correctly denied the Appellant's eligibility for Medicare Premium Assistance.

SNAP Allotment

During the review, the Respondent determined the Appellant was eligible for \$23 monthly SNAP allotment. The Appellant argued that the approved assistance was insufficient. The Respondent had to prove by a preponderance of evidence that the Appellant's \$23 SNAP allotment was correct. During the hearing, the Appellant did not dispute the amount of income used to determine his eligibility. The submitted evidence did not demonstrate that additional income deductions should be applied.

Pursuant to the evidence, the Respondent considered a two-person AG when determining the Appellant's SNAP allotment amount. Income considered included \$2,928 gross unearned income, including the Appellant's \$1,941 SS Disability. The Respondent and Appellant affirmed that the remaining income used was unearned SSI and SSDI from the Appellant's wife. The preponderance of evidence revealed that the Appellant's AG was comprised of disabled individuals.

According to the policy, the SNAP allotment is calculated as follows:

The \$204 standard income deduction is applied to the AG's income. Because the Appellant did not have earned income, only the AG's unearned income was considered.

\$2,928	Combined unearned income
- 204	Standard income deduction
<u>\$2,724</u>	Adjusted income

Then, the policy instructs that eligible medical expenses be deducted:

\$2,724	Unearned income amount after standard deduction
- 150	Medical expense deduction
<u>\$2,574</u>	Net adjusted income

According to the policy, 30% of the net adjusted income must be calculated:

\$2,574	Net adjusted income
<u>X .30</u>	
772.20	

Pursuant to the regulations, if 30% of the household's net income ends in cents, the State agency shall round 30% of net income up to the nearest higher dollar, or not round the 30% of the net income at all. Instead, after subtracting 30% of the net income from the appropriate AG allotment, the State agency shall round the allotment down to the nearest lower dollar.

To determine the amount of the SNAP allotment, 30% of the net adjusted income is subtracted from the maximum SNAP allotment for the AG size. At the time of the Respondent's decision, \$536 was the maximum SNAP allotment for a two-person AG.

\$536	Maximum SNAP allotment for a two-person AG
<u>-772.20</u>	30% of net adjusted income
\$0	SNAP allotment entitlement

Although the Appellant's income qualified to receive \$0 in SNAP benefits, the policy stipulates that categorically eligible AGs containing 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 amount.

CONCLUSIONS OF LAW

- 1) To be eligible for Medicare Premium Assistance, the AG's monthly income could not exceed \$1,761.
- 2) The preponderance of evidence demonstrated that the Appellant's \$1,921 countable net income exceeded the \$1,761 income eligibility limit for a one-person AG.
- 3) Because the Appellant's income exceeded the \$1,761 income eligibility limit, the Respondent correctly denied the Appellant's eligibility for Medicare Premium Assistance.
- 4) Monthly SNAP allotments are determined by an AG's countable income after allowable deductions have been applied.
- 5) The preponderance of evidence demonstrated that the Respondent correctly calculated the Appellant's \$23 monthly SNAP allotment amount.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to deny the Appellant's eligibility for Medicare Premium Assistance and decision to award the Appellant's AG \$23 in monthly SNAP allotment.

ENTERED this 28th day of October 2025.

**Tara B. Thompson, MLS
Certified State Hearing Officer**