



November 4, 2025

RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 25-BOR-3081

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: Alanna Cushing, DoHS

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

[REDACTED],

Appellant,

v.

Action Number: 25-BOR-3081

**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 October 29, 2025.

The matter before the Hearing Officer arises from the Respondent's decision on October 10, 2025 to reduce the amount of the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Alanna Cushing, Constituent Services. The Appellant appeared and was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 DoHS Summary
- D-2 DoHS Notice
- D-3 West Virginia Income Maintenance Manual (WVIMM) excerpts

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 was a recipient of \$292 in monthly SNAP benefits for a one-person Assistance Group (AG).
- 2) The Appellant's \$292 monthly SNAP allotment was based on \$0 income.
- 3) The Appellant is categorically eligible.
- 4) On October 2, 2025, the Appellant completed her SNAP eligibility review and reported a change in income.
- 5) On October 10, 2025, the Respondent issued a notice advising the Appellant her monthly SNAP benefits would decrease from \$292 to \$24, because her earned income increased (Exhibit D-2).
- 6) The reduced SNAP allotment was based on \$1,956.56 gross monthly earned income (Exhibit D-2).
- 7) At the time of the Respondent's decision, the SNAP gross income eligibility limit was \$1,696.00 (Exhibit D-2).
- 8) The Respondent applied a \$391.31 earned income deduction, \$209 standard deduction, and \$321.88 shelter/utility deduction when deciding the Appellant's monthly SNAP allotment (Exhibit D-2).
- 9) The Respondent considered a net adjusted income of \$1,034.37 when deciding the Appellant's monthly SNAP allotment (Exhibit D-2).
- 10) Beginning October 1, 2025, the minimum benefit level for the 48 States and D.C. was \$24 as established by the U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS).

APPLICABLE POLICY

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 § 273.9 *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(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 ...
- (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)(l) 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, 2025, through September 30, 2026, for a one-person household \$298 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 § 4.4.4.A *Categorical Eligibility* provides that although there is no gross or net income test, countable SNAP income is used to determine the level of benefit is calculated the same way it is for all other SNAP AGs.

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 \$209.

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):

$$\begin{array}{r} \text{EXAMPLE: } \$554 \text{ Net monthly Income} \\ \times .30 \\ \hline \$166.30 = \$167 \end{array}$$

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

$$\begin{array}{r} \text{EXAMPLE: } \$973 \text{ Maximum Allotment for four} \\ - \$167 \text{ 30% of net income} \\ \hline \$806 \text{ SNAP benefit for a full month} \end{array}$$

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.

DISCUSSION

On October 2, 2025, the Respondent decided the Appellant's \$292 monthly SNAP allotment would decrease to \$24. The Appellant contested the reduction in her monthly SNAP allotment and argued she required more assistance.

The Board of Review may only determine whether the agency followed the policy when deciding the amount of the Appellant's monthly SNAP allotment. 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, 2025 through September 30, 2026, \$298 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 September 13, 2025, and September 26, 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.

According to the Respondent's representative, the Appellant was categorically eligible. Although categorically eligible individuals are not subject to gross or net income tests, countable SNAP income is used to determine the level of benefit the same way it is for all other SNAP AGs.

To determine the SNAP allotment, the policy provides that a 20% earned income disregard is applied to the gross countable earned income.

\$1,956.56	gross countable earned income
<u>X .20</u>	
\$ 391.31	20% earned income disregard
\$1,956.56	gross countable earned income
<u>- 391.31</u>	20% earned income disregard
\$1,565.25	remaining earned income

Pursuant to the SNAP regulations, a standard deduction is then applied to the average monthly income amount:

\$1,565.25	remaining earned income
<u>- 209.00</u>	standard deduction
\$1,356.25	

Then, the Respondent is instructed to apply the shelter/utility deduction.

\$1,356.25	
- 321.88	shelter/utility deduction
\$1,034.37	net adjusted income

The evidence did not indicate that the Appellant was eligible for medical expense, dependent care, or support payment income deductions. To determine the SNAP allotment, the Respondent must multiply the net income by 30% and round up:

\$1,034.37	net monthly income
X .30	
\$ 310.31	30% of the net income

To arrive at the amount of the AG's monthly SNAP benefit allotment, the policy instructs the Respondent to subtract 30% of the net income from the maximum monthly benefit for the AG size. The amount remaining after subtraction is the amount of monthly SNAP allotment. According to the policy, \$298 was the maximum SNAP allotment for a one-person AG.

\$298.00	maximum monthly SNAP allotment for one person
- 310.31	30% of the 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 individual automatically receive the minimum benefit. Pursuant to FNS, \$24 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) Monthly SNAP allotments are determined by an AG's countable income after allowable deductions have been applied.

The preponderance of evidence revealed that the Respondent correctly calculated the Appellant's \$24 monthly SNAP allotment.

DECISION

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

ENTERED this 4th day of November 2025.

Tara B. Thompson, MLS
Certified State Hearing Officer