



November 6, 2025



RE: [REDACTED] v. WV DoHS  
ACTION NO.: 25-BOR-3090

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 Health and Human Resources. 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,

Pamela L. Hinzman  
State Hearing Officer  
Member, State Board of Review

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

cc: Carla Marsh, WV DoHS

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

██████████,

**Appellant,**

v.

**Action Number: 25-BOR-3090**

**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 West Virginia 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 reduction/calculation of the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits as outlined in Notices of Decision dated October 8, 2025, and October 15, 2025.

At the hearing, the Respondent appeared by Carla Marsh, Economic Service Worker Senior, WV DoHS. The Appellant was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Notice of Decision dated October 8, 2025
- D-2 Notice of Decision dated October 15, 2025
- D-3 Appellant's pay stubs
- D-4 Appellant's unemployment compensation history
- D-5 SNAP Budget information from Respondent's computer system
- D-6 West Virginia Income Maintenance Manual Chapters 4.4.3, 4.4.3.A, and 4.4.3.B

**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 Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) On October 8, 2025, and October 15, 2025, the Respondent notified the Appellant that her SNAP allotment would decrease from \$130 to \$24 per month effective November 2025 (Exhibits D-1 and D-2).
- 3) The Appellant is a one-person Assistance Group (AG) for SNAP purposes.
- 4) The Appellant is employed at [REDACTED] restaurant and also receives unemployment (low earnings) (Exhibits D-3 and D-4).
- 5) The Respondent averaged the Appellant's income from [REDACTED] using her gross bi-weekly earnings from pay dates September 10, 2025 (\$325.18), September 24, 2025 (\$203.41) and October 8, 2025 (\$221.35). The pay stubs covered the period beginning August 20, 2025, through September 24, 2025 (Exhibit D-3).
- 6) The Respondent computed the Appellant's monthly earned income as \$537.46 (\$249.98 average bi-weekly income x 2.15 bi-weekly multiplier) (Exhibits D-3 and D-5).
- 7) The Respondent averaged the Appellant's weekly low earnings for the weeks ending August 23, 2025 (\$328), August 30, 2025 (\$136), September 6, 2025 (\$324), September 13, 2025 (\$192), September 20, 2025 (\$328), and September 27, 2025 (\$237) (Exhibit D-4).
- 8) The Respondent computed the Appellant's monthly unearned income from low earnings as \$1,107.25 (\$257.50 average weekly low-earnings income x 4.3 weekly income multiplier) (Exhibits D-4 and D-5).

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual Chapter 4.4.3.A states that when no member of the Assistance Group (AG) is elderly or disabled, the gross income must be equal to, or less than, the gross income limits in Appendix A. If so, the AG qualifies for the disregards and deductions. If the gross income exceeds the amount in Appendix A, the AG is ineligible.

West Virginia Income Maintenance Manual Chapter 4.4.1.B states:

The Worker must consider information about the client's income sources before deciding which income to use. The Worker must follow the steps below for each old income source.

**Step 1:** Determine the amount of income received by all persons in the Income Group (IG) in the 30 calendar days prior to the application/redetermination date, or interview date when the interview is completed on a different day than when the application is received.

The appropriate time period is determined by counting back 30 days beginning with the calendar day prior to the date of application/redetermination. However, if the interview is completed on a different day than when the date the application/redetermination is received, the 30-day look-back period could begin the day before the interview date. The income from this 30-day period is the minimum amount of income that must be considered. When, in the Worker's judgment, future income may be more reasonably anticipated by considering the income from a longer period of time, the Worker considers income for the time period he determines to be reasonable. Whether the Worker considers income from the prior 30 days, or from a longer period of time, all of the income received from that source during that time period must be considered. All pay periods during the appropriate time period must be considered and must be consecutive.

If the client provided sufficient income verification on the date the application/redetermination is received, then additional verification is not required at interview.

The year-to-date amounts on check stubs may only be used when the client has verification of all payment amounts whether used or not but is missing one...

**Step 2:** Determine if the income from the previous 30 days is reasonably expected to continue into the new certification period.

If it is not expected to continue, the income from this source is no longer considered for use in the new certification period.

If it is expected to continue, determine if the amount is reasonably expected to be more or less the same. If so, the income source is used for the new certification period and treated according to Section 4.4.1.D below. If it is not expected to continue at more or less the same amount, the income source is used for the new certification period and treated according to Section 4.4.1.C below.

**Step 3:** Record the results of Step 2, including the amount of income, why the source is or is not being considered for the new certification period, the client's statement about continuation of the income from this source, the time period used, and, if more than the previous 30 days, the reason additional income was considered.

Once the Worker has determined all of the old sources of income to consider and the time period for which they are considered, he must then determine if any source should be considered for future income.

#### West Virginia Income Maintenance Manual Chapter 4.4.1.D, How to Use Past and Future Income:

After the Worker determines all of the income sources that are to be considered for use, the Worker determines the amount of monthly income based on the frequency of receipt and whether the amount is stable or fluctuates. When the income fluctuates and is received more often than monthly (i.e., weekly, bi-weekly, semi-monthly), find the average amount per period and convert to a monthly amount.

NOTE: 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. See Section 10.4.2 for SNAP reporting requirements. Sometimes the client receives higher benefits than he would if actual income were used and sometimes he receives lower benefits. Therefore, when the Worker has averaged fluctuating income based on the best information available and the client's income does not match the monthly amount used by the Worker, there is no repayment when the client receives higher benefits and no supplemental issuance when the client receives lower benefits. Should the client report fluctuations in the amount of income, the Worker is only required to recalculate the countable income when, in his judgment, the fluctuation will significantly impact the benefit amount. All changes reported by the client must be considered, but not necessarily used. Reported changes must be recorded and the Worker must record why the reported income was or was not used.

Conversion of income to a monthly amount is accomplished by multiplying an actual or average amount as follows:

- Weekly amount x 4.3
- Biweekly amount (every two weeks) x 2.15
- Semi-monthly amount (twice/month) x 2

West Virginia Income Maintenance Manual Chapter 4.4.2.B lists allowable deductions for SNAP benefits. These deductions include the earned income disregard of 20 percent, the Standard Deduction, the dependent care deduction, the child support deduction, the Homeless Shelter Standard Deduction, medical expenses for the elderly and/or disabled, shelter expenses, and the Standard Utility Allowance (SUA)...

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: Shelter/SUA Equal to Or Less Than Step 9- No one elderly or disabled- No further computation is needed, The amount from Step 8 is the countable income. At least one person elderly or disabled- No further computation is needed. The amount from Step 8 is the countable income.

Shelter/SUA Greater Than Step 9- No one is elderly or disabled- The amount in excess of 50%, not to exceed the shelter/utility cap, in Appendix B is deducted to arrive at countable income. At least one person elderly or disabled- 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.

7 Code of Federal Regulations Section 273.10, states, in part:

(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.
- (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 Chapter 4, Appendix B, states that the Standard Deduction for SNAP is \$209 for Assistance Groups of one to three people.

West Virginia Income Maintenance Manual Chapter 4, Appendix B, states that the Heating/Cooling Standard Deduction for SNAP is \$518 per month.

West Virginia Income Maintenance Manual Chapter 4.4.3.C states that 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.

West Virginia Income Maintenance Manual Chapter 1.4.17.C.1 addresses categorical eligibility for SNAP purposes:

When an AG has at least one member who is authorized to receive benefits from TANF-funded programs or is authorized to receive information and referral services about TANF and other department programs, the AG is categorically eligible.



Authorized to receive means the AG is coded in the eligibility system as active for a benefit whether they are receiving it or not. Those authorized to receive include individuals who have been determined eligible for benefits and notified of the determination, even if benefits have not been received or accessed or the benefits have been suspended, recouped or not paid because they are less than a minimum amount or they have not yet received the information or referral.

TANF-funded Programs:

The following are TANF-funded programs:

- WV WORKS: Any month for which the AG is authorized to receive benefits
- Employment Assistance Program (EAP): Any month for which the AG is authorized to receive benefits.
- Diversionary Cash Assistance (DCA): three months beginning with the month of approval.
- Support Service Payments: As long as actively enrolled in Work Programs (WP)
- School Clothing Allowance (SCA) and West Virginia School Clothing Allowance (WVSCA): Until the benefit expiration date.

**Authorized for Information and Referral Services** AGs with income at or below 200% are authorized to receive information and referral services. The DFA-SNAP- I&R-1 is mailed to the AG by the eligibility system to inform the client of potential programs or services available to him. The DFA-SNAP-I&R is paid for by TANF/MOE funds.

West Virginia Income Maintenance Manual Chapter 1.4.17.C.3 states:

Once it is determined that an AG qualifies for Categorical Eligibility, the following eligibility requirements are presumed to be met.

- Asset limit: The transfer of assets policy is applied as appropriate. See Chapter 5.
- Gross income limit, when applicable
- Net income limit
- Sponsored non-citizen information
- Residency
- SSN information: Only if the AG member is receiving a benefit which requires the SSN to be verified. If any of the presumed information is questionable, it is verified. 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.

## DISCUSSION

Policy states that after a worker determines all of the income sources that are to be considered in calculating countable SNAP income, the amount of monthly income is determined based on the frequency of receipt and whether the amount is stable or fluctuates. When the income fluctuates and is received more often than monthly (i.e., weekly, bi-weekly, semi-monthly), the worker finds the average amount per period and converts it to a monthly amount. 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. Allowable deductions for SNAP benefits include the earned income disregard of 20 percent, the Standard Deduction, the dependent care deduction, the child support deduction, the Homeless Shelter Standard Deduction, medical expenses for the elderly and/or disabled, shelter expenses, and the Standard Utility Allowance (SUA). Categorically eligible AGs containing one or two individuals automatically receive the minimum benefit (8 percent of the maximum allotment for a household of one, rounded to the nearest whole dollar), unless it is a prorated benefit.

Carla Marsh, Economic Service Worker Senior with the Respondent, testified that the Department considered the Appellant's [REDACTED] income and low earnings over the same period to obtain average monthly earned and unearned income amounts. After calculations, the Respondent determined that the Appellant is eligible for the minimum \$24 per month in SNAP benefits.

The Appellant testified that her [REDACTED] earnings are deducted from the amount she receives in low earnings, and she expressed her concerns in understanding the Respondent's SNAP calculation.

The Respondent correctly calculated the Appellant's earned [REDACTED] income as \$537.46 per month by averaging her gross pay stubs. It correctly calculated her unearned income as \$1,107.25 per month by averaging the **actual amount** of low earnings that she received for the same period (**checks ranging from \$136 per week to the full amount of \$328, depending on the amount of [REDACTED] income counted against the low earnings**).

The Appellant's SNAP allotment was calculated as follows:  $\$537.46 - \$107.49$  (earned income deduction of 20 percent) =  $\$429.97 + \$1,107.25$  (unearned income/low earnings) =  $\$1,537.22 - \$209$  (standard deduction) =  $\$1,328.22$  (net adjusted income). No excess shelter/utility deduction is allowed based on a comparison of 50% of the Appellant's adjusted income and shelter/utility costs. The maximum SNAP allotment for a one-person AG is  $\$298 - \$398.47$  (30 percent of the [REDACTED] net adjusted income) = \$0 SNAP allotment. However, because the Appellant's income is beneath 200 percent of the FPL (\$2,609) for a one-person Assistance Group, she is categorically eligible for the minimum SNAP benefit of \$24 per month (8 percent of \$298, the maximum SNAP allotment for a household of one).

The Respondent's decision to decrease the Appellant's SNAP benefits effective November 2025 is affirmed.

### **CONCLUSIONS OF LAW**

- 1) The Appellant correctly calculated the Appellant's anticipated earned income by averaging her pay stubs from [REDACTED]
- 2) The Appellant correctly calculated the Appellant's anticipated low earnings by averaging the amount of low earnings she received during the same period.
- 3) The Appellant correctly determined that the Appellant is eligible for the minimum SNAP allotment based on categorical eligibility.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's reduction/calculation of the Appellant's SNAP allotment.

**ENTERED this 6th day of November 2025.**

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**Pamela L. Hinzman**  
**State Hearing Officer**