



November 7, 2025

[REDACTED]

RE: [REDACTED] v. WVDOHS
ACTION NO.: 25-BOR-3129

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,

Amy Hayes
State Hearing Officer
Member, State Board of Review

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

cc: Kristyne Hoskins, Department Representative

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

[REDACTED],

Appellant,

v.

Action Number: 25-BOR-3129

**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 November 5, 2025, upon a timely appeal requested on October 20, 2025.

The matter before the Hearing Officer arises from the October 14, 2025, decision by the Respondent to decrease the amount of the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

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

EXHIBITS

Department's Exhibits:

D-1	Case Comments from September 6, 2024 to April 11, 2025
D-2	SNAP Budget screenshot, Determination Date of January 25, 2025, for payment begin date March 1, 2025 to payment end date September 30, 2025
D-3	Case Comments from September 5, 2025 to October 20, 2025
D-4	Notice of SNAP Verification dated September 8, 2025

D-5	SNAP Budget screenshot, Determination Date of September 23, 2025, for payment begin date October 1, 2025 to payment end date October 31, 2025
D-6	SNAP Eligibility Review completed by the Appellant on October 1, 2025
D-7	Case Comments from September 5, 2025 to October 20, 2025
D-8	SNAP Budget screenshot, Determination Date of October 16, 2025, for payment begin date November 1, 2025, with no payment end date

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 SNAP benefits for an assistance group (AG) of one (1). (Exhibit D-2)
- 2) On January 25, 2025, the Respondent calculated the Appellant's SNAP benefits in the amount of \$120 per month, effective for payment beginning on March 1, 2025, through payment ending on September 30, 2025. (Exhibit D-2)
- 3) The calculation determination on January 25, 2025, was based on the Appellant's gross monthly unearned income of \$967 and the application of a homeless shelter standard deduction of \$190. (Exhibit D-2)
- 4) On April 7, 2025, the Appellant called the local office to update his address from homeless to [REDACTED]. (Exhibit D-1)
- 5) On September 23, 2025, the Appellant visited the local office and verified his shelter expense. (Exhibit D-3)
- 6) On September 23, 2025, the Respondent calculated the Appellant's SNAP benefits in the amount of \$130 per month, effective for payment beginning on October 1, 2025, through payment ending on October 31, 2025. This calculation included gross monthly unearned income of \$967, the application of a homeless shelter standard deduction of \$190, shelter costs of \$450, and a standard utility deduction of \$88. (Exhibit D-5)
- 7) On October 1, 2025, the Appellant completed and signed a SNAP review where he reported income of \$967 per month, rent of \$450 per month, and telephone payment of \$30 per month, which was received by the Respondent on October 6, 2025. (Exhibit D-6)

8) On October 16, 2025, the Respondent calculated the Appellant's SNAP benefits in the amount of \$91 per month, effective for payment beginning on November 1, 2025, with no payment end date. This calculation included gross monthly unearned income of \$967 and shelter costs of \$450. (Exhibit D-5)

APPLICABLE POLICY

Code of Federal Regulations 7 CFR § 273.10 describes Determining household eligibility and benefit levels as follows, in pertinent 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. Net losses from the self-employment income of a farmer shall be offset in accordance with § 273.11(a)(2)(iii).
 - (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. If the State agency has chosen to treat legally obligated child support payments as an income exclusion in accordance with § 273.9(c)(17), multiply the excluded earnings used to pay child support by 20 percent and subtract that amount from the total gross monthly income.
 - (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, unless a deduction has been subtracted in accordance with paragraph (e)(1)(i)(G) of this section. 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.

West Virginia Income Maintenance Manual (WVIMM) § 4.1 describes the income policies and procedures used to determine SNAP eligibility and benefit levels as follows, in pertinent part:

...This chapter includes charts of sources of income and shows whether or not they are counted for each program. In addition, if an income source is counted, the chart identifies it as earned, self-employment, or unearned income. For each program that requires an income determination by the Worker, there are sections explaining budgeting methods, deductions and disregards, incentives, how to determine countable income, and special situations. Income limits applicable to each benefit are found in Appendix A.

Income is defined as any and all monies received from any source.

The determination of countable income is necessary, because it is, generally, the countable income that is tested against maximum income limits.

The first step in determining countable income is to determine all the incoming monies to the assistance group (AG) and to those whose income is counted for, or deemed to, the AG.

Once all incoming monies have been identified, they are compared to the income exclusions listed in this Chapter, and, if applicable, the income from any excluded source is subtracted.

After all income exclusions have been applied, some of the remaining income may qualify for certain disregards and deductions as outlined in the sections for each specific program...

WVIMM § 4.4.2 details the allowable income disregards and deductions used to determine SNAP eligibility and benefit levels as follows, in pertinent part:

Certain items may be allowed as income deductions to arrive at an AG's countable income, (even if the payment is made from assets). To receive a deduction, the expense must:

- Not be an educational expense;
- Be billed or be due during the certification period in which the deduction is claimed;

- Be obligated to be met by the AG's own resources; and
- Be owed to an individual not included in the AG to receive a deduction.

To convert an expense to a monthly amount, multiply by an actual or average amount as follows:

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

WVIMM Chapter 4 Appendix A-Income Chart provides that the maximum benefit allotment for a one-person AG is \$298.

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 § 4.4.2.B.5 outlines the Homeless Shelter Standard Deduction, in pertinent part (emphasis added):

This deduction may be applied when a homeless AG incurs any shelter/utility expenses for the month. Homeless AGs that receive free housing and utilities throughout the month are not eligible for the deduction. However, if they incur any shelter or utility expense, regardless of the amount, any time during the month, they qualify for the Homeless Shelter Standard Deduction. See Appendix B. Any shelter expenses reported by the homeless individual must be verified at a minimum at application and redetermination, or when a change of shelter is reported.

If the AG incurs, shelter and/or utility costs in excess of the Homeless Shelter Standard Deduction amount, the AG may use the actual shelter and/or the appropriate utility standard, if eligible. **An AG must not receive the homeless shelter standard deduction and either a deduction for actual shelter costs and/or the Standard Utility Allowance (SUA) in the same month.** See Shelter/Utility Deduction below for allowable expenses.

WVIMM § 4.4.2.B.7 outlines the Shelter/Utility Deduction, in pertinent 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.

The Worker must allow the expense only if the AG is obligated to pay with the AG's excluded or non-excluded resources. There is no time limit during the certification period for deciding when an AG is no longer allowed a deduction for the bill. The AG is no longer allowed the deduction when the expense is no longer

billed or is no longer due. An expense does not have to be paid to be a deduction. In order to receive a shelter deduction, the expense/obligation must be verified at a minimum of application and redetermination, or when the AG reports a change in shelter expense.

WVIMM § 4.4.2.C outlines the Standard Utility Allowance (SUA), in pertinent part:

SUAs are fixed deductions that are adjusted yearly to allow for fluctuations in utility expenses. AGs with utility expenses for both occupied and unoccupied homes may only use the SUA for one home of his choice.

These deductions are the Heating/Cooling Standard (HCS), the Non-Heating/Cooling Standard (NHCS), and the One Utility Standard (OUS). The current SUA amounts are found in Appendix B.

AGs that are obligated to pay from their resources a utility expense that is billed separately from their shelter expenses are eligible for an SUA deduction. AGs that are not obligated to pay any utility expense are ineligible for the SUA, even if other residents pay utility expenses. Eligibility for the SUA must be evaluated at certification, redetermination, and when the AG reports a change in utilities that may affect its eligibility for a deduction.

Items that are considered utilities include, but are not limited to:

- Water, including well installation and maintenance
- Liquefied Petroleum Gas (LP or LPG) or natural gas
- Wood, wood pellets, coal, and heating oil
- Electricity
- Sewage, including septic tank system installation and maintenance
- Garbage collection
- The basic rate for one telephone, either landline or cellular service, but not both. Basic rates include, but are not limited to, taxes, wire maintenance fees, subscriber line charges, relay center surcharges, and 911 fees. It does not include extra services such as, call-waiting, caller ID, etc.

Items not considered utilities include, but are not limited to:

- Cable/digital/satellite television service
- Internet service
- Utility deposits
- Pre-paid cell phones

One Utility Standard (OUS)

AGs that do not qualify for the HCS or the NHCS, but incur one utility expense, are eligible for the OUS if the AG meets the following criteria:

The utility cost must be billed separately from the rent or mortgage payment of the residence...

WVIMM § 7.2 outlines the verification requirements for Standard Utility Allowance (SUA), in pertinent part:

Program	When to Verify	Possible Sources of Verification
27. Utility Expenses for Standard Utility Allowance (SUA) Standards		
SNAP	Only when information provided is questionable	Current bills or receipts; landlord statements; lease agreements

DISCUSSION

The Appellant is contesting the Respondent's determination of the amount of his monthly allotment of SNAP benefits. The Respondent must show by a preponderance of the evidence that it correctly determined the Appellant's SNAP benefit amount.

The Appellant is a recipient of SNAP benefits in a one-person household. Pursuant to the evidence, the Appellant's sole source of income is Supplemental Security Income (SSI).

The Appellant was approved for SNAP benefits in the amount of \$120 monthly from March 1, 2025 to September 30, 2025. Calculation of the SNAP Budget during that period included a homeless deduction. On April 7, 2025, one of the Respondent's workers made a note in the Case Comments that the Appellant called to update his address.

On September 8, 2025, the Respondent requested verification of the Appellant's shelter costs and used the amounts provided to determine the SNAP shelter and utility deduction. The Respondent did not request verification of the Appellant's utility costs or his telephone bill. In his SNAP review, the Appellant indicated that his income from SSI was \$967, that he paid \$450 in rent monthly, that heat was included in his rent, and that he paid \$30 a month for "Telephone."

Policy states that an AG cannot receive the homeless shelter standard deduction and a deduction for actual shelter costs in the same month. Because he pays for rent, the Appellant is not homeless. The Respondent correctly removed the homeless shelter standard deduction from the calculation of the Appellant's SNAP allotment.

The Appellant's SNAP allotment in September was calculated by applying a utility standard deduction of \$88. However, for the November benefit, the utility standard deduction was not applied. The Appellant testified that he is currently paying a phone bill.

It is unclear from the record why the utility standard deduction was also removed from the calculation for the November benefit. Policy states that items that are considered utilities include the basic rate for one telephone, either landline or cellular service, but not both. Items not considered as utilities are pre-paid cell phones. If the utility standard deduction had been applied, the Appellant's SNAP benefit amount would be more than \$91.

The Respondent must determine if the Appellant's phone bill meets policy stipulations regarding a one utility standard deduction. If the phone bill is considered a utility, then the Appellant's SNAP benefit amount shall be recalculated with the utility standard deduction applied.

CONCLUSIONS OF LAW

- 1) Monthly SNAP allotments are determined by an AG's countable income after allowable deductions have been applied.
- 2) The Appellant verified his rent payment as a shelter cost and the Respondent correctly determined that the Appellant is not homeless.
- 3) Because the Appellant is not homeless, the Respondent correctly removed this deduction factor from the Appellant's SNAP allotment calculation.
- 4) The preponderance of evidence did not indicate whether the Respondent correctly removed the utility standard deduction for the Appellant's reported monthly telephone bill.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the removal of the homeless shelter deduction and the addition of the deduction for rent. The case is **REMANDED** for a determination of whether the Appellant's phone bill is a deductible utility expense. If the phone bill is a deductible utility expense, the SNAP benefit amount must be recalculated with the proper deductions, subject to the notice requirements for SNAP benefits.

ENTERED this 7th day of November 2025.

Amy Hayes
State Hearing Officer