



January 29, 2026

[REDACTED]

RE: [REDACTED] v. WVDoHS-BFA  
ACTION NO.: 26-BOR-1008

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,

Eric L. Phillips  
Certified State Hearing Officer  
Member, State Board of Review

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

cc: Esther Hamrick, BFA

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

██████████

**Appellant,**

v.

**Action Number: 26-BOR-1008**

**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 January 28, 2026, on an appeal filed with the Board of Review on January 5, 2026.

The matter before the Hearing Officer arises from the December 12, 2025, decision by the Respondent to calculate Supplemental Nutrition Assistance Program (SNAP)

At the hearing, the Respondent appeared by Esther Hamrick, Economic Service Worker. 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 December 12, 2025

**Appellant's Exhibits:**

A-1 Home Warranty Plan Agreement from ██████████

A-2 Homeowners Policy ██████████

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 applied for Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) The Appellant's household consists of himself.
- 3) The Appellant reported a monthly income of \$933.00 in Social Security Disability benefits.
- 4) The Appellant reported paying property taxes in the amount of \$20.08.
- 5) The Appellant reported paying a monthly homeowners insurance payment in the amount of \$62.50.
- 6) The Appellant reported paying an extended warranty plan for his heating and air conditioning system in the monthly amount of \$54.05. (Exhibit A-1)
- 7) The Respondent did not utilize the extended warranty plan in the SNAP benefit calculation.
- 8) The Respondent provided the Appellant a mandatory utility standard of \$518.00.
- 9) The Appellant reported a total amount of utility payment in the amount of \$457.52.
- 10) On December 12, 2025, the Respondent provided a Notice of Decision informing the Appellant that his SNAP benefits were approved in the monthly amount of \$152.00. (Exhibit D-1)

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual Chapter 4.4.2.B.7 documents:

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.

When the AG is providing an in-kind payment instead of a cash payment, a deduction is only allowed when the original obligation is a cash payment. The AG must be otherwise obligated to make a cash payment, if the in-kind payment is not provided.

The AG may still be eligible for a deduction if the home is not occupied by the SNAP AG because of employment or training away from home, illness, or disaster/casualty loss of an AG or non-AG member. The deduction is allowed, if the AG remains responsible for the shelter and/or utility costs, and the home is not leased or rented during this time. The AG must intend to return to the home, and the current occupants of the house, if any, must not be claiming the shelter costs for SNAP purposes.

Homeless AGs who use the Homeless Shelter Standard Deduction are not eligible for the SUA and an additional shelter deduction.

AGs with shelter expenses, (i.e., rent and mortgage), for both occupied and unoccupied homes may use the obligations for both homes as a deduction.

When the client claims expenses for his home as a self-employment expense, the deduction can be either a shelter deduction or a cost of doing business, but the total deduction given must not exceed the actual expense. See Ineligibility for The Heating/Cooling Standard (HCS) below.

West Virginia Income Maintenance Manual Chapter 4.4.2.C documents:

Items considered in arriving at shelter expenses are the continuing amounts of:

- Rent. Security or damage deposits are not shelter expenses.
- Mortgage payments. This includes second mortgages and home equity loans and any other loans for which the dwelling is used as collateral.
- Interest on mortgage payments.
- Condominium and association fees, regardless of purpose for the fees.
- Payments to an escrow account established to pay property taxes and homeowner's insurance.
- Property taxes and special tax assessments on the structure and lot required by State or local law. This does not include assessments such as police and fire fees, unless the fee is based on property valuation.
- Insurance on the structure and lot. This does not include insurance on furniture or personal belongings. If the insurance cost on the structure and the cost on the

personal belongings/furniture cannot be identified separately, the entire insurance payment is allowed.

- Cost of repairing the home that was damaged or destroyed due to a natural disaster or misfortune including, but not limited to, fire, flood, or freezing temperatures. This does not include charges that will be or have been reimbursed from any source such as insurance, private agency, etc.
- A car payment when a homeless AG lives in their vehicle.
- Insurance on the vehicle itself when a homeless AG lives in their vehicle.

West Virginia Income Maintenance Manual Chapter 4.4.2.C.1 documents:

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

➤ Heating/Cooling Standard (HCS)

To be eligible for the HCS, the AG must meet the following criteria.

- Heating or Cooling Costs

AGs that are obligated to pay a heating or cooling expense that is billed on a regular basis are eligible for the HCS. There does not have to be a monthly bill for heating or cooling throughout the year, just a regular bill for heating or cooling during the appropriate season.

To qualify for the HCS, the heating or cooling expenses must be for the primary source of heating or cooling.

Heating expenses include, but are not limited to, the cost of electricity, gas, oil, coal, wood, wood pellets, and kerosene. Heating costs include only the fuel, and not related costs. Related expenses are those necessary to obtain the fuel or to operate the unit, such as electricity to run a gas furnace.

Cooling expenses for the operation of air conditioning systems or room air conditioners are allowable expenses. Fans are not considered air conditioners and are not an allowable expense.

- Separate Billing

The expense for heating or cooling costs must be billed separately from the rent or mortgage, even if the AG combines those payments.

This includes the following:

- Residents of a private rental housing who are billed by the landlord for a heating or cooling cost based on actual use or charged a flat rate separately from the rent.
- AGs that live in separate residences but share a single meter.
- AGs that rent different residences in the same building and share utility meters, and one is billed for heating and one is billed for another utility.
- Residents of public housing with shared utility meters who are billed for excess heating or cooling costs.
- AGs that have utilities included in their rent and/or shelter payments but are billed separately for a heating or cooling cost are eligible for the HCS.

Code of Federal Regulations §273.9 documents in pertinent part:

(6) *Shelter costs* —

(i) **Homeless shelter deduction.** A State agency may provide a standard homeless shelter deduction of \$143 a month to households in which all members are homeless individuals but are not receiving free shelter throughout the month. The deduction

must be subtracted from net income in determining eligibility and allotments for the households. The State agency may make a household with extremely low shelter costs ineligible for the deduction. A household receiving the homeless shelter deduction cannot have its shelter expenses considered under [paragraphs \(d\)\(6\)\(ii\)](#) or [\(d\)\(6\)\(iii\)](#) of this section. However, a homeless household may choose to claim actual costs under [paragraph \(d\)\(6\)\(ii\)](#) of this section instead of the homeless shelter deduction if actual costs are higher and verified. A State agency that chooses to provide a homeless household shelter deduction must specify in its State plan of operation that it has selected this option.

(ii) ***Excess shelter deduction.*** Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in [paragraphs \(d\)\(1\)](#) through [\(d\)\(5\)](#) of this section have been allowed. If the household does not contain an elderly or disabled member, as defined in [§ 271.2 of this chapter](#), the shelter deduction cannot exceed the maximum shelter deduction limit established for the area. For fiscal year 2001, effective March 1, 2001, the maximum monthly excess shelter expense deduction limits are \$340 for the 48 contiguous States and the District of Columbia, \$543 for Alaska, \$458 for Hawaii, \$399 for Guam, and \$268 for the Virgin Islands. FNS will set the maximum monthly excess shelter expense deduction limits for fiscal year 2002 and future years by adjusting the previous year's limits to reflect changes in the shelter component and the fuels and utilities component of the Consumer Price Index for All Urban Consumers for the 12 month period ending the previous November 30. FNS will notify State agencies of the amount of the limit. Only the following expenses are allowable shelter expenses:

(A) Continuing charges for the shelter occupied by the household, including rent, mortgage, condo and association fees, or other continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

(B) Property taxes, State and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings.

(C) The cost of fuel for heating; cooling (*i.e.*, the operation of air conditioning systems or room air conditioners); electricity or fuel used for purposes other than heating or cooling; water; sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; all service fees required to provide service for one telephone, including, but not limited to, basic service fees, wire maintenance fees, subscriber line charges, relay center surcharges, 911 fees, and taxes; service fees associated with basic internet connection, including, but not limited to, monthly subscriber fees (*i.e.*, the base rate paid by the household each month in order to receive service, which may include high-speed internet), taxes and fees charged to the household by the provider that recur on monthly bills, and the cost of one modem rental; and fees charged by the utility provider for initial installation of the utility. One-time deposits cannot be included.

(D) The shelter costs for the home if temporarily not occupied by the household because of employment or training away from home, illness, or abandonment caused by a natural disaster or casualty loss. For costs of a home vacated by the household to be included in the household's shelter costs, the household must intend to return to the home; the current occupants of the home, if any, must not be claiming the shelter costs for SNAP purposes; and the home must not be leased or rented during the absence of the household.

(E) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood. Shelter costs shall not include charges for repair of the home that have been or will be reimbursed by private or public relief agencies, insurance companies, or from any other source.

(iii) *Standard utility allowances.*

(A) A State agency may use standard utility allowances (standards) in place of actual costs in determining a household's excess shelter deduction. The State agency may use different types of standards but cannot allow households the use of two standards that include the same expense. The State agency may vary the standards by factors such as household size, geographical area, or season. Only utility costs identified in [paragraph \(d\)\(6\)\(ii\)\(C\)](#) of this section may be used in developing standards described in [paragraphs \(d\)\(6\)\(iii\)\(A\)\(1\)](#) through [\(3\)](#) of this section. The following standards are allowable:

(1) An individual standard for each type of utility expense;

(2) A standard utility allowance for all utilities that includes heating or cooling costs (HCSUA); and

(3) A limited utility allowance (LUA) that includes electricity and fuel for purposes other than heating or cooling, water, sewerage, well and septic tank installation and maintenance, and garbage or trash collection. The LUA may also include telephone and/or internet costs. The LUA must include expenses for at least two utilities.

(B) The State agency must review the standards annually and make adjustments to reflect changes in costs, rounded to the nearest whole dollar. State agencies must provide the amounts of standards to FNS annually and submit methodologies to FNS for approval when the methodologies are developed or changed.

(C) The State agency must submit for FNS approval their methodologies at least every five years. Methodology submissions must incorporate any revisions necessary to demonstrate that the baseline expenditure data and underlying methodology reflect recent trends and changes. State agencies' methodologies must:

(1) Reflect the entire State or geographic area the SUA covers;

- (2) Use data sourced from utility providers or similarly reliable source;
- (3) Reflect expenses incurred by low-income households;
- (4) Distinguish if the utility is for heating or cooling, if applicable; and
- (5) Reflect residential utility expenses.

(D) A standard with a heating or cooling component must be made available to the following households:

(1) Households that incur heating or cooling expenses separately from their rent or mortgage;

(2) Households in rental housing who are billed by their landlords on the basis of individual usage or who are charged a flat rate separately from their rent. However, households in public housing units which have central utility meters and which charge households only for excess heating or cooling costs are not entitled to a standard that includes heating or cooling costs based only on the charge for excess usage, unless the State agency mandates the use of standard utility allowances in accordance with [paragraph \(d\)\(6\)\(iii\)\(G\)](#) of this section; and

(3) Households that receive a payment or on behalf of which a payment was made under the Low Income Home Energy Assistance Act of 1981 (LIHEAA) or other similar energy assistance program, if in the current month or in the immediately preceding 12 months and such payment was greater than \$20 annually.

(i) Other similar energy assistance programs are separate home energy assistance programs designed to provide heating or cooling assistance through a payment received by or made on behalf of low-income households. State agencies must establish clear and reasonable standards for evaluating whether a program constitutes a similar energy assistance program.

(ii) A payment received by a household or made on behalf of a household under LIHEAA or other similar energy assistance program must be quantifiable in order to confer eligibility for the heating and cooling standard utility allowance. A quantifiable payment is one that the State agency quantifies, in dollars. In-kind energy assistance, such as firewood or coal, may be considered an other similar energy assistance program payment if the State agency establishes reasonable procedures for quantifying the payment in a manner that is applied consistently across the caseload.

(iii) The State agency shall document the date and receipt of a payment made under LIHEAA or other similar energy assistance program to ensure the payment was received in the current month or the immediately preceding 12 months and exceeds \$20 annually.

(iv) State agencies shall not consider anticipated receipt of a payment to be an actual payment received under the LIHEAA or other similar energy assistance program when determining a household's eligibility for the HCSUA. However, for purposes of this sub clause, a State agency may consider a payment under the LIHEAA or other similar energy assistance program to be received by the household, or on behalf of the household, if the household is scheduled to receive the payment in the current month.

(v) In a case where a payment is scheduled to be received in the current month and the payment is not actually made within that month, the State agency is responsible for determining whether an overissuance has occurred.

(vi) A State agency must grant the HCSUA to individuals who received a qualifying LIHEAP or other payment, regardless of changes in residence or address. Individuals who live in a household that received a qualifying LIHEAP or other payment who subsequently move into a separate household are entitled to receive the HCSUA in their new, separate households.

(vii) A household is eligible for the HCSUA if the household lives in a multi-unit dwelling or individual unit and receives a qualifying weatherization program payment. State agencies must develop workable, reasonable procedures to determine how multi-unit dwelling weatherization payments would be quantified for households and must apply those procedures consistently and fairly across the caseload.

(E) A household that has both an occupied home and an unoccupied home is only entitled to one standard.

(F) At initial certification, recertification, and when a household moves, the household may choose between a standard or verified actual utility costs for any allowable expense identified in [paragraph \(d\)\(6\)\(ii\)\(C\)](#) of this section, unless the State agency has opted, with FNS approval, to mandate use of a standard. Households certified for 24 months may also choose to switch between a standard and actual costs at the time of the mandatory interim contact required by [§ 273.10\(f\)\(1\)](#) if the State agency has not mandated use of the standard.

(G)

(I) A State agency may mandate use of standard utility allowances for all households with qualifying expenses if the State uses one or more standards that include the costs of heating and cooling and one or more standards approved by FNS that do not include the costs of heating and cooling, and the standards will not result in increased program costs. The prohibition on increasing program costs does not apply to necessary increases to standards resulting from utility cost increases.

(2) If the State agency chooses to mandate use of standard utility allowances, it must use a standard utility allowance that includes heating or cooling costs for residents of public housing units which have central utility meters and which charge the households only for excess heating or cooling costs. The State agency also must not prorate a standard utility allowance that includes heating or cooling costs provided to a household that lives and shares heating or cooling expenses with others.

(3) In a State that chooses this option, households entitled to the standard may not claim actual expenses, even if the expenses are higher than the standard. Households not entitled to the standard may claim actual allowable expenses.

(H) If a household lives with and shares heating or cooling expenses with another individual, another household, or both, the State agency shall not prorate the standard for such households if the State agency mandates use of standard utility allowances in accordance with [paragraph \(d\)\(6\)\(iii\)\(G\)](#) of this section. The State agency may not prorate the SUA if all the individuals who share utility expenses but are not in the SNAP household are excluded from the household only because they are ineligible.

## **DISCUSSION**

In November 2025, the Appellant applied for and was approved SNAP benefits. During the application, the Appellant reported the payment of property taxes, homeowner's insurance and an extended home warranty. The Respondent excluded the monthly home warranty payment as a shelter expense towards the calculation of the Appellant's SNAP benefit. The Appellant contests the disallowance of the deduction toward his SNAP eligibility. The Respondent must prove by a preponderance of evidence that it correctly excluded the shelter expense.

During the SNAP application, the Appellant reported the payment of property taxes in the amount of \$20.08, a monthly homeowner's insurance payment in the amount of \$62.50 and the monthly payment of \$54.05 for an extended home warranty. The Appellant provided a Home Warranty Plan Agreement from [REDACTED] (Exhibit A-1) documenting the monthly payment of the warranty which covers his heating system, air conditioning system, electrical, plumbing and garage doors openers. The Respondent excluded the use of home warranty expense as a deduction for SNAP eligibility because it does not cover the structure and lot of the property.

The Appellant offered no specific dispute regarding the SNAP calculation but contests that the home warranty should be included as a deduction for SNAP eligibility because it covers insurance for his home and not personal property.

Governing policy mandates that insurance on the structure and lot is considered as a shelter expense for SNAP calculations. Excluded expenses are insurance on furniture or personal belongings. The Appellant presented an extended home warranty which covers the heating system, air conditioning, electrical, plumbing and garage door openers of his home. These expenses are

considered optional luxury services for maintenance of the home and not considered for basic housing necessities such as property taxes, homeowner's insurance and mortgage payments. Because the Appellant's payment of an extended home warranty does not cover structure and lot of the property as outlined by policy it cannot be included when calculating shelter expenses in SNAP eligibility.

The Respondent's decision to excluded the home warranty payment as a shelter expense for SNAP eligibility is affirmed.

### **CONCLUSIONS OF LAW**

- 1) Continuing shelter expenses for SNAP eligibility include but are not limited to the insurance on the structure and lot, property taxes, rent and mortgage payments.
- 2) Insurance on furniture or personal belongings is not included as a shelter expense for SNAP eligibility.
- 3) The Appellant pays an extended monthly home warranty that does not cover the structure and lot of his dwelling.
- 4) Because this extended home warranty is optional, it is not included as a shelter expense toward SNAP calculations.
- 5) The Respondent's decision to excluded the expense as a shelter deduction is affirmed.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to exclude the inclusion of an optional home warranty towards the Appellant's SNAP eligibility.

**ENTERED this \_\_\_\_\_ day of January 2026.**

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Eric L. Phillips  
**Certified State Hearing Officer**