



January 9, 2026

[REDACTED]

RE: [REDACTED] v. WVDOHS  
ACTION NO.: 25-BOR-3402

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**

████████████████████

**Appellant,**

v.

**Action Number: 25-BOR-3402**

**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 December 18, 2025, upon a timely appeal requested on December 3, 2025.

The matter before the Hearing Officer arises from the August 25, 2025, decision by the Respondent as to 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 Summary screenshot with last eligibility review date of January 20, 2025
- D-2 Income Summary screenshot with last updated date of January 25, 2025
- D-3 Expenses Summary screenshot with last updated date of January 17 and January 30, 2025
- D-4 SNAP Budget screenshot, Determination Date of August 23, 2025, for payment begin date October 1, 2025
- D-5 West Virginia Income Maintenance Manual Chapter 4 Appendix A

**Appellant's Exhibits:**

A-1 List of Appellant's Expenses

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 SNAP benefits for an assistance group (AG) of three (3). (Exhibit D-4)
- 2) The AG receives monthly Supplemental Security Income in the amount of \$2,417. (Exhibit D-2)
- 3) In January 2025, the Respondent's Expenses Summary showed that the Appellant paid monthly shelter costs of \$500 and monthly utility costs which totaled \$836. (Exhibit D-3)
- 4) On August 25, 2025, the Respondent notified the Appellant that his SNAP benefits would increase from \$104 to \$122 per month, effective for payment beginning on October 1, 2025. (Notice Dated August 25, 2025, submitted with request for appeal and a part of the Administrative record)
- 5) The calculation determination was based on the AG's gross monthly unearned income of \$2,417, shelter costs of \$500, and the application of a utility standard deduction of \$518. (Exhibit D-4)
- 6) The Appellant pays monthly shelter expenses of \$475. (Exhibit A-1)
- 7) The Appellant pays monthly utility expenses, which total between \$1,120 and \$1,220. (Exhibit A-1)
- 8) The Appellant is obligated to pay a heating or cooling expense that is billed on a regular basis and is billed separately from the rent. (Exhibit A-1, Exhibit D-3)
- 9) The Appellant pays for other monthly expenses which are not shelter or utility expenses, which total \$522. (Exhibit A-1)
- 10) As of October 2025, the standard deduction increased from \$204 to \$209, and the maximum Heating/Cooling Standard (HCS) utility allowance increased from \$504 to \$518. (Exhibit D-6)

- 11) The Appellant receives the standard deduction of \$209. (Exhibit D-4)
- 12) The Appellant receives the maximum utility standard allowance of \$518. (Exhibit D-4)

### **APPLICABLE POLICY**

**Code of Federal Regulations 7 CFR § 273.9(d) describes Income deductions, in pertinent part:**

(d) ***Income deductions.*** Deductions shall be allowed only for the following household expenses:

(1) ***Standard deduction*** —

(i) ***48 States, District of Columbia, Alaska, Hawaii, and the Virgin Islands.***

Effective October 1, 2002, in the 48 States and the District of Columbia, Alaska, Hawaii, and the Virgin Islands, the standard deduction for household sizes one through six shall be equal to 8.31 percent of the monthly net income eligibility standard for each household size established under paragraph (a)(2) of this section rounded up to the nearest whole dollar. For household sizes greater than six, the standard deduction shall be equal to the standard deduction for a six-person household.

(6) ***Shelter costs*** —

(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.

**Code of Federal Regulations 7 CRF § 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.

**WVIMM § 4.4.2.B.2 outlines the Standard Deduction, in pertinent part:**

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 § 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.1 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

### ***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.

**WVIMM Chapter 4 Appendix A-Income Chart** provides that the maximum benefit allotment for a three-person AG is \$785.

**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 Chapter 4 Appendix B – Standard Deductions and Allowances for SNAP** provides that the Heating/Cooling Standard (HCS) deduction is \$518.

## **DISCUSSION**

The Appellant is contesting the Respondent's determination of the amount of his monthly allotment of Supplemental Nutrition Assistance Program (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 three-person assistance group (AG). The Appellant's sole source of income is \$2,417 a month from Supplemental Security Income (SSI). The amount of income was not refuted by the Appellant.

The Appellant was approved for SNAP benefits in the amount of \$104 monthly prior to October 2025. On August 25, 2025, the Respondent notified the Appellant that his SNAP benefit amount would increase to \$122 monthly effective October 1, 2025. The reasons for the increase stated on the notice were that the standard deduction amount applied to the SNAP income had changed, and that the deduction for shelter and/or utility costs was higher.

Based on policy, utility expenses include water, natural gas, electricity, garbage collection, and the basic rate for one telephone, either landline or cellular service. Utility expenses do not include insurance, cable, or cleaning supplies. The Respondent attributed \$836 in monthly utility expenses to the Appellant in January 2025. The Appellant submitted evidence that he now pays between \$1,120 and \$1,220 monthly in utility expenses. The Appellant's utility expenses include gas for heating which is billed separately from his rent.

The Appellant is paying between \$284 and \$384 more in utility expenses than he did in January 2025. The Appellant argued that, because his utility expenses and the price of food have increased, the amount of SNAP benefits he receives is not adequate for his family.

Federal regulations allow a State agency to use standard utility allowances (SUAs) in place of actual costs in determining a household's excess shelter deduction. SUAs are fixed deductions that are adjusted yearly to allow for fluctuations in utility expenses. These deductions are the Heating/Cooling Standard (HCS), the Non-Heating/Cooling Standard (NHCS), and the One Utility Standard (OUS). If a household pays for heating and cooling, they are eligible for the maximum deduction.

In October 2025, the HCS amount increased from \$504 to \$518. Because of this change, the Respondent calculated the amount of the Appellant's SNAP benefit using the new maximum standard utility allowance. An increase in the actual amount the Appellant pays for utility expenses does not affect this calculation.

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

The \$209 standard income deduction is applied to the AG's income as indicated in the regulations. Because the Appellant did not have earned income, only the AG's unearned income was considered.

\$2,417	Unearned income
- 209	Standard income deduction
\$2,208	Adjusted income

To determine the amount of the shelter deduction, the AG's shelter costs must be combined with the applicable utility standard for the AG size. According to WVIMM Chapter 4, Appendix B, the HCS is \$518 for a three-person AG.

During the hearing, the Respondent's worker testified that the SNAP allotment was calculated using \$500 monthly shelter costs verified during the Appellant's January 2025 SNAP eligibility review. The Appellant testified that his shelter costs had decreased. Because the Appellant's

decreased shelter costs were not reported until the hearing, additional deductions could not be applied at the time of the Respondent’s August 25, 2025 SNAP allotment decision. Therefore, the Hearing Officer can only consider the shelter/utility costs that were verified at the time of the Respondent’s allotment decision.

\$ 500	AG’s monthly shelter costs
<u>+ 518</u>	Utility Standard
\$1,018	Shelter/Utility costs

The policy instructs that 50% of the adjusted income must be subtracted from the shelter/utility costs:

$$\$2,208 \div 2 = \$1,104 \text{ (50\% Adjusted income)}$$

To determine the amount of excess shelter utility costs, 50% of the adjusted income is subtracted from the shelter/utility costs:

\$1,018	Shelter/Utility costs
<u>- 1,104</u>	50% of Adjusted gross income
\$ 0	Excess shelter utility costs (shelter/utility deduction)

To determine the net adjusted income, the shelter/utility excess costs are subtracted from the adjusted income.

\$2,208	Adjusted income
<u>- 0</u>	Excess shelter utility costs
\$2,208	Net adjusted income

Then, thirty percent of the net adjusted income must be calculated.

\$2,208	Net adjusted income
<u>X .30</u>	
\$662.40	

Under 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. During the August 25, 2025 SNAP allotment decision, \$785 was the maximum SNAP allotment for a three-person AG.

\$785	Maximum SNAP allotment for a one-person AG
<u>-662.40</u>	30% of Net adjusted income

\$122.60      Monthly SNAP allotment

After rounding the allotment down to the nearest lower dollar, the Appellant's monthly SNAP benefit allotment is \$122, which is consistent with the Respondent's August 25, 2025 SNAP allotment decision. The Appellant is receiving the maximum standard utility allowance.

### **CONCLUSIONS OF LAW**

- 1) Monthly SNAP allotments are determined by an AG's countable income after allowable deductions have been applied.
- 2) Allowable deductions include a standard income deduction of \$209, which increased from \$204 in October 2025.
- 3) Allowable deductions also include standard utility allowances, which are not calculated from clients' actual utility costs. The Heating/Cooling Standard (HCS) utility allowance increased from \$504 to \$518 in October 2025.
- 4) Because the Appellant is responsible for paying heating and cooling costs, the Respondent applied the Heating/Cooling Standard (HCS) utility allowance in place of actual costs. The HCS utility allowance is the maximum utility allowance allowed.
- 5) The standard income deduction and HCS were applied correctly. The preponderance of evidence revealed that the Respondent correctly calculated the Appellant's \$122 monthly SNAP allotment, beginning in October 2025.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's August 25, 2025 decision regarding the Appellant's \$122 monthly SNAP allotment.

**ENTERED this 9th day of January 2026.**

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**Amy Hayes**  
**State Hearing Officer**