



February 18, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 26-BOR-1088 & 26-BOR-1089

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,

Lori Woodward, J.D.
Certified State Hearing Officer
Member, State Board of Review

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

cc: Meghan Delaney, WV DoHS/BFA

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

[REDACTED]

Appellant,

v.

**Action Number: 26-BOR-1088
26-BOR-1089**

**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 February 11, 2026, on a timely appeal filed January 13, 2026.

The matter before the Hearing Officer arises from the December 23, 2025 decision by the Respondent to terminate Supplemental Nutrition Assistance Program benefits and deny Medicare Premium Assistance application.

At the hearing, the Respondent appeared by Meghan Delaney, Economic Service Supervisor. The Appellant appeared self-represented. The witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Notice of Medicare Premium Assistance denial, dated December 23, 2025; Notice of SNAP closure, dated December 23, 2025
- D-3 Email exchange between the Appellant and Meghan Delaney, dated January 14, 2026
- D-4 Screen print of the Appellant's SNAP Budget screen

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, a 65-year-old, applied for Medicare Premium Assistance (MPA) benefits, which were denied due to excessive income. (Exhibit D-2)
- 2) The Appellant and her grandson were recipients of Supplemental Nutrition Assistance Program (SNAP) benefits, which were terminated effective February 1, 2026, due to excessive income.
- 3) Notifications of the SNAP termination and MPA denial were issued to the Appellant on December 23, 2025. (Exhibit D-2)
- 4) Based on the submitted paystubs, the Respondent calculated the Appellant's gross monthly earned income to be \$3,060.94 ($\$1,422.80 + \$1,424.59 = \$2847.39/2 = \$1,423.695 \times 2.15$). The Appellant is paid biweekly. (Exhibit D-3)
- 5) For SNAP calculation purposes, the Respondent also averaged three months of the Appellant's receipt of child support arrearages totaling \$150.68, plus monthly child support payments of \$511, plus monthly pension payments of \$137.43, resulting in \$799.11 of gross monthly unearned income. (Exhibit D-3)
- 6) The Appellant's gross monthly income for SNAP consideration was calculated to total \$3,860.05 ($\$3,060.94 + \799.11). (Exhibits D-2 and D-3)
- 7) For SNAP calculation purposes, the Respondent applied an earned income deduction of \$612.18, a \$209 standard deduction, \$150 medical expense deduction, a \$236.50 dependent care deduction, and \$391.82 shelter/utility deduction. (Exhibits D-2 and D-4)
- 8) The Appellant's net income was calculated to be \$2,260.55
- 9) The maximum allowable monthly gross income limit for an AG of 2 for SNAP benefits is \$2,292, and the net income limit for an AG of 2 is \$1,763.
- 10) For consideration of MPA benefits, the Appellant's pension income of \$137.43 plus the child support arrearages of \$150.68 (\$288.11) less a \$20 disregard totals \$268.11 of unearned income. The Appellant's earned income of \$3,060.94 minus a \$65 disregard, equals \$2,995.94 divided by $\frac{1}{2}$ totals \$1,497.97 of disregarded income for a countable earned income of \$1,562.97.
- 11) For MPA purposes, the Appellant's countable net monthly income is \$1,766.08, which is over the allowable income limit for an AG of 1 of \$1,761.

APPLICABLE POLICY

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM:

Code of Federal Regulations, 7 CFR §273.9, in part:

- (a) ***Income eligibility standards.*** Participation in SNAP shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for SNAP. Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for SNAP. Households which are categorically eligible do not have to meet either the gross or net income eligibility standards.
- (1) The gross income eligibility standards for SNAP shall be as follows:
- (i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia.
- ...
- (2) The net income eligibility standards for SNAP shall be as follows:
- (i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be the Federal income poverty levels for the 48 contiguous States and the District of Columbia.
- ...
- (3) The income eligibility limits, as described in this paragraph, are revised each October 1 to reflect the annual adjustment to the Federal income poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii.
- (i) 130 percent of the annual income poverty guidelines shall be divided by 12 to determine the monthly gross income standards, rounding the results upwards as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is multiplied by 130 percent, divided by 12, and the results rounded upward if necessary.
- (ii) The annual income poverty guidelines shall be divided by 12 to determine the monthly net income eligibility standards, rounding the results upward as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is divided by 12, and the results rounded upward if necessary.
- (4) The monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS web site, at www.fns.usda.gov/snap

7 CFR §273.10.e.2, in part:

- (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.
[Emphasis added]

- (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.

WV IMM, Chapter 4, §4.4.3.A, Determining Eligibility:

- When no AG member is elderly or disabled, the gross income must be equal to, or less than, the gross income limit 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.
- **When at least one AG member is elderly, which is at least age 60, or disabled as specified in Section 13.15, eligibility is determined by comparing the countable income to the maximum net monthly income found in Appendix A. There is no gross income test.** [Emphasis added]
- When the AG is Categorically Eligible as defined in Chapter 1, the gross income test is presumed to be met.

WV IMM, Chapter 4, §4.4.3.B, Determining Countable Income, in pertinent part:

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
- Step 4: Subtract the Standard Deduction
- 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: If the shelter/SUA costs are equal to or less than the amount found in step 9, no further computation is needed, the amount from step 8 is the countable income. If the shelter/SUA costs are greater than step 9, the amount in excess of 50% is deducted to arrive at the countable income. Elderly/disabled households are not subject to the shelter/utility cap.
- Step 11: Compare the countable income to the maximum net income in Appendix A for the AG size.

WV IMM, Chapter 4, Appendix A, Income Limits:

130% of the FPL for a two-person AG: \$2,292

100% of the FPL for a two-person AG: \$1,763

MEDICARE PREMIUM ASSISTANCE:

WV IMM, Chapter 4, §4.12.1, Determining Eligibility: Countable income is determined as follows:

Step 1: Determine the total countable gross unearned income and subtract the appropriate disregards and deductions. See Section 4.14.2.

Step 2: Determine the total countable gross earned income and subtract the appropriate disregards and deductions. See Section 4.14.2.

Step 3: Add the results from Step 1 and Step 2 to achieve the total monthly countable income.

Step 4: Compare the amount in Step 3 to the QMB, SLIMB, or QI-1 income levels for the appropriate number of persons. See Section 4.14 for SSI-Related deeming procedures. If the amount is less than or equal to the QMB, SLIMB, or QI-1 income levels, the client(s) is eligible.

Eligibility for these coverage groups is determined as follows:

- Qualified Medicare Beneficiary (QMB) – Income is less than or equal to 100% Federal Poverty Level (FPL).
- Specified Low Income Medicare Beneficiary (SLIMB) – Income is greater than 100% FPL, but less than or equal to 120% FPL.
- QI-1 – Income is greater than 120% FPL, but less than or equal to 135% FPL.

WV IMM, Chapter 4, Appendix A lists income limits:

100% FPL for a one-person assistance group: \$1,305

120% FPL for a one-person assistance group: \$1,565

135% FPL for a one-person assistance group: \$1,761

DISCUSSION

The Appellant is a 65-year-old who applied for Medicare Premium Assistance (MPA) benefits. The Appellant and her grandson also received SNAP benefits in an Assistance Group (AG) of two. The Appellant is employed and is paid bi-weekly. The submitted pay statements were considered in determining the Appellant's eligibility: November 26, 2025 – which showed 72 hours worked for a total gross income of \$1,422.80, and December 11, 2025 – which showed 72.50 hours worked for a total gross income of \$1,424.59. As instructed by policy, a monthly average was determined by adding the gross income of both submitted pay statements, dividing the sum by two, then multiplying the sum by 2.15 as she receives bi-weekly pays ($\$1,422.80 + \$1,424.59 = \$2,847.39/2 = \$1,423.695 \times 2.15 = \$3,606.94$). The Appellant also receives unearned monthly income: child support of \$511, child support arrearages \$150.68 (averaged over three months), and a pension of \$137.43.

Policy requires separate calculations to determine SNAP and MPA eligibility. For SNAP purposes, the following allowable deductions were used:

- Earned income deduction = \$612.18 ($\$3060.94 \times .20$)
- Standard deduction = \$209
- Excess Medical Expenses = \$150 ($\$185 - \35 medical deduction)
- Dependent Care deduction = \$236.50
- Excess Shelter/Utility costs = \$391.82 (Shelter cost \$1,200 + utility standard \$518 = \$1,718 – $\frac{1}{2}$ of adjusted income (\$2652.37) \$1,326.18)

The Appellant's SNAP net adjusted income was calculated to be \$2,260.66. The allowable net income limit for an AG of 2 is \$1,763. The Appellant was correctly found to be ineligible for SNAP benefits.

In determining MPA eligibility, the Respondent used the calculated gross income, deducted the \$65 disregard ($\$3060.94 - \65) which equaled \$2,995.94, and divided that sum by $\frac{1}{2}$, which equaled \$1,497.97, and determined the $\frac{1}{2}$ disregard amount of \$1,562.97 ($\$1497.97 + \65). A \$20 disregard is deducted from the Appellant's unearned pension income of \$137.43, for a sum of \$117.43, plus the averaged child support arrears of \$150.68, for an unearned income total of \$268.11. (Note, the monthly child support payments are not included as unearned income.) Both the adjusted unearned income and earned income are added for a total countable income of \$1,766.08. The income limit for an AG of 1 for MPA eligibility is \$1,761.00. The Appellant was correctly found to be ineligible for MPA benefits.

The Appellant argued that the SNAP benefits are needed to help support her grandson as he is involved in many sports activities. The Appellant also contended that her pay statements were inaccurate because her pay varies, stating she works 30 – 35 hours a week. However, the Appellant failed to provide any corroborating evidence about her assertion. The Respondent's representative reminded the Appellant that she always has the right to apply and explained that if the Appellant could submit her W-2s in the future so that a yearly amount could be considered.

CONCLUSIONS OF LAW

- 1) Policy sets forth the net income limit for a two-person AG for SNAP benefits to be \$1,763.
- 2) The preponderance of evidence showed that the Respondent correctly determined that the Appellant's adjusted net income was \$2,260.55, which is over the income limit for SNAP eligibility.
- 3) Policy sets forth the countable net income limit for a one-person AG for MPA eligibility to be \$1,761.
- 4) The preponderance of evidence showed that the Respondent correctly determined that the Appellant's countable income was \$1,766.08, which is over the income limit for MPA eligibility.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to terminate the Appellant's SNAP benefits and deny her MPA application.

ENTERED this 18th day of February 2026.

Lori Woodward, Certified State Hearing Officer