



February 10, 2026

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 26-BOR-1060

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 (DoHS). 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,

Tara B. Thompson, MLS
Certified State Hearing Officer
Member, State Board of Review

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

cc: Whitney Baker, DoHS

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

[REDACTED]

Appellant,

v.

Action Number: 26-BOR-1060

**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 5, 2026.

The matter before the Hearing Officer arises from the Respondent's decision on August 25, 2025, regarding the Appellant's Supplemental Nutrition Assistance Program (SNAP) allotment amount.

At the hearing, the Respondent appeared by Whitney Baker (hereafter Ms. Baker), DoHS. The Appellant appeared and was self-represented. All witnesses were placed under oath, and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Table of Contents
- Typed Summary
- DoHS Notice, dated August 25, 2025
- SNAP Budget screenprint
- Mon Power bill

Appellant's Exhibits:

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) On August 25, 2025, the Respondent mailed a notice advising the Appellant her monthly SNAP benefit allotment would increase from \$23 to \$24, effective October 1, 2025. The reason for the change was changes in the Appellant's standard deduction amount, and deduction for shelter/utility costs (Exhibit D-1).
- 2) The notice issued on August 25, 2025, did not reflect the Appellant's accurate street name or include her apartment number (Exhibit D-1).
- 3) The Appellant is categorically eligible (Exhibit D-1).
- 4) When making the Appellant's allotment decision, the Respondent considered \$2,248.44 Retirement, Survivors, Disability Insurance (RSDI) monthly gross unearned income.
- 5) When making the Appellant's allotment decision, the Respondent applied a \$209 standard deduction, \$111 medical expense deduction, and \$193.78 shelter/utility deduction (Exhibit D-1).
- 6) When making the Appellant's allotment decision, the Respondent considered \$1,734.66 monthly net adjusted income (Exhibit D-1).
- 7) The Appellant's rent was \$640, effective December 1, 2024 (Exhibit D-1).
- 8) Beginning October 1, 2025, the minimum benefit level for the 48 States and D.C. was \$24 as established by the U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS).

APPLICABLE POLICY

Code of Federal Regulations 7 CFR § 273.9 *Income and deductions* provides that households which contain an elderly or disabled member shall meet the net income eligibility standards for SNAP Households which are categorically eligible do not have to meet either the gross or net income eligibility standards. The net and gross income eligibility standards shall be based on the Federal income poverty levels.

Code of Federal Regulations 7 CFR § 273.10 *Determining household eligibility and benefit levels* provides in the relevant sections:

(a) *Month of application* –

(1) *Determination of eligibility and benefit levels.*

- i. A household's eligibility shall be determined for the month of application by considering the household's circumstances for the entire month of application. Most households will have the eligibility determination based on circumstances for the entire calendar month in which the household filed its application ...

1) *Application for recertification.* Eligibility for recertification shall be determined based on circumstances anticipated for the certification period starting the month following the expiration of the current certification period. The level of benefits for recertifications shall be based on the same anticipated circumstances ...

(d) *Determining deductions.* Deductible expenses include only certain dependent care, shelter, medical and, at State agency option, child support costs

(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 earned and unearned income of all household members, minus income exclusions, to determine the household's total gross income ...
 - C. Subtract the standard deduction
 - D. If the household is entitled to an excess medical deduction, determine if total medical expenses exceed \$35. If so, subtract that portion which exceeds \$35....
 - E. 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% 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 (e)(1)(i)(I) of this section.
 - F. 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 application 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.
- ii. In calculating net monthly income, the State agency shall use one of the following procedures:
 - A. Round down each income and allotment calculation that ends in 1 through 49 cents and round up each calculation that ends in 50 through 99 cents; or
 - B. Apply the rounding procedure that is currently in effect for the State's Temporary Assistance for Needy Families (TANF) program.

(2) *Eligibility and benefits –*

- i.
 - A. Households that contain an elderly or disabled member shall have their net income, as calculated in paragraph (e)(1) 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.
- ii.
 - A. The household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30% of the household's net monthly income.

If 30 percent of the household's net income ends in cents, the State agency shall round in 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 the 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.

(4) Thrifty Food Plan (TFP) and Maximum SNAP Allotments.

- i. The TFP amounts and maximum allotments in each area are adjusted annually and will be prescribed in a table posted on the FNS website at www.fns.usda.gov/fsp. [From October 1, 2025, through September 30, 2026, for a one-person household \$298 is the maximum monthly allotment. (www.fns.usda.gov/snap/recipient/eligibility)

WVIMM § 4.3.1.82 and § 4.3.1.73 *Charts of Income Sources* — *Chart 1* provides that for SNAP, Social Security payments are counted as unearned income.

WVIMM § 4.4.2 *Income Disregards and Deductions* and § 4.4.2.A provides that certain items may be allowed as income deductions to arrive at an Assistance Group's (AG) countable income When a client fails to report household expenses that would normally result in a deduction, the AG loses its entitlement to that deduction. They have a right to the expense once it is reported and verified.

WVIMM § 4.4.2.B.2 *Standard Deduction* provides that 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 Chapter 4 Appendix B – *Standard Deductions and Allowances for SNAP* provides that for a one to three-person AG, the standard deduction is \$209 and the Heating/Cooling Standard (HCS) is \$518.

WVIMM § 4.4.2.B.7 *Shelter/Utility Deduction* provides:

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.

WVIMM § 4.4.2.C *Shelter Expense* provides that items considered in arriving at shelter expenses include continuing amounts of rent.

WVIMM § 4.4.2.C.1 *Standard Utility Allowance (SUA)* provides that 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 their 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.

WVIMM § 4.4.3.C *Determining the Amount of the Benefit* provides in part:

To determine the SNAP allotment, find the countable income and the maximum benefit allotment for the AG in Appendix A. One-person or two-person AGs who are categorically eligible automatically receive the minimum SNAP benefit. The Worker will determine the benefit amount by using the following method:

Multiply net income by 30% (round up):

EXAMPLE: \$ 554 Net monthly Income
 x .30
 \$ 166.30 = \$167

Subtract 30% of the net income as calculated from the maximum monthly benefit for the AG size.

EXAMPLE: \$973 Maximum Allotment for four
 - 167 30% of net income
 \$806 SNAP benefit for a full month

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

DISCUSSION

In August 2025, the Respondent issued a notice advising the Appellant of a change in her SNAP allotment amount. Testimony and documentary evidence revealed that the Appellant is categorically eligible. The Appellant requested a hearing to contest the allotment calculation and requested clarification regarding the amount of shelter/utility deductions applied when calculating her allotment amount. During the hearing, the Appellant contended that her shelter/utility costs were higher than the \$193.78 deduction applied.

The Board of Review cannot pass judgement on the policy and can only determine if the Respondent correctly applied the policy when determining the amount of the Appellant's SNAP benefit allotment. To prove that the Appellant's SNAP benefit allotment was correctly decided, the Respondent had to demonstrate by a preponderance of evidence that the Appellant's shelter/utility costs were correctly applied.

Allotment Amount

During the hearing, the Appellant affirmed the amount of her unearned income in August 2025. Information supplied during the hearing did not indicate that the Appellant was eligible for any additional deductions. According to the policy, the SNAP allotment is calculated as follows:

The standard income deduction is applied to the Assistant Group (AG)'s income. As the Appellant's AG did not have earned income, only the AG's unearned income was considered. Although gross and net income eligibility standards are not applied to categorically eligible AGs, the amount of income must still be considered when determining the SNAP allotment amount.

\$2,248.44	Gross unearned income
<u>- 209.00</u>	Standard income deduction
\$2,039.44	

Next, the medical deduction is subtracted:

\$2,039.44	
<u>- 111.00</u>	Medical expense deduction
\$1,928.44	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. The policy provides that at the time of the Respondent's decision, the HCS was \$518. According to the evidence, the Appellant's verified rental cost was \$640.

\$640	AG's shelter cost
<u>+518</u>	Utility standard
\$1,158	Shelter/Utility costs

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

$\$1,928.44 \text{ adjusted income} \div 2 = \$964.22 \text{ (50\% of the adjusted income)}$

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

\$1,158.00	Shelter/Utility costs
<u>- 964.22</u>	50% of the adjusted income
\$ 193.78	Excess shelter utility costs (shelter/utility deduction)

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

\$1,928.44	Adjusted income
<u>- 193.78</u>	Excess shelter utility costs
\$1,734.66	Net adjusted income

Thirty percent of the net adjusted income must be calculated.

$$\$1,734.66 \times .30 = \$520.398 \text{ (30\% of net income)}$$

Under the regulations, if 30% of the household's net income ends in cents, the State agency shall round the 30% of net income up to the nearest higher dollar; or not round the 30% of the net at all. Instead, after subtracting the 30% of 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 SNAP allotment, 30% of the net adjusted income is subtracted from the maximum SNAP allotment for the AG size. At the time of the August 2025 allotment decision, \$298 was the maximum SNAP allotment for a one-person AG.

\$298	Maximum SNAP allotment
<u>-520.398</u>	(30% of net adjusted income)
\$ 0	SNAP allotment entitlement

Although the Appellant's income qualified her to receive \$0 in SNAP benefits, the policy stipulates that categorically eligible AGs automatically receive the minimum benefit. Pursuant to FNS, \$24 is the minimum SNAP allotment for categorically eligible AGs. The preponderance of evidence demonstrated that the Respondent correctly determined the Appellant's SNAP allotment amount.

CONCLUSIONS OF LAW

- 1) Monthly SNAP allotments are determined by an AG's countable income after allowable deductions have been applied.
- 2) The preponderance of evidence demonstrated that the Respondent correctly calculated the Appellant's \$24 monthly SNAP allotment amount, effective October 1, 2025.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision regarding the Appellant's \$24 monthly SNAP allotment, effective October 1, 2025.

ENTERED this 10th day of February 2026.

Tara B. Thompson, MLS
Certified State Hearing Officer