



February 18, 2026

[REDACTED]

RE: [REDACTED] v. WV DoHS
ACTION NO.: 26-BOR-1065

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 Health and Human Resources. 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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

cc: Angela Allen, WV DoHS

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


Appellant,

v.

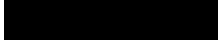
Action Number: 26-BOR-1065

**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 West Virginia Office of Inspector General Common Chapters Manual. This fair hearing was convened on February 11, 2026.

The matter before the Hearing Officer arises from the Respondent's decision to reduce the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits as outlined in a notice dated October 16, 2025.

At the hearing, the Respondent appeared by Angela Allen, Economic Services Supervisor, WV DoHS. The Appellant appeared *pro se*. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 West Virginia Income Maintenance Manual Chapters 4.4.2.B.7 and 4.4.2.C.1
- D-2 Case Comments from Respondent's computer system
- D-3 Rent statement and Residential Rental Agreement
- D-4 Notice of Decision dated October 16, 2025

Appellant's Exhibits:

- A-1 Rent receipts for January and February 2026, lease information received by Respondent on February 2, 2026, and Residential Rental Agreement
- A-2 Appellant's medical documentation and expense information
- A-3 Appellant's written statement

- A-4 SNAP 12 Month Contact Form dated January 20, 2026, and updated rent documentation
- A-5 Verification Checklist dated October 3, 2025

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 Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) The Appellant is a one-person SNAP Assistance Group (AG) (Exhibit A-4).
- 3) On October 3, 2025, the Appellant reported that his rent increased to \$850 per month (Exhibit D-2).
- 4) The Respondent sent the Appellant a Verification Checklist on October 3, 2025, requesting a copy of his lease agreement and information concerning whether he paid utilities (Exhibit A-5).
- 5) On October 9, 2025, the Respondent received verification that the Appellant paid \$850 per month in rent, which included utilities (Exhibit D-3).
- 6) On October 16, 2025, the Respondent notified the Appellant that his SNAP benefits would decrease from \$116 to \$24 per month effective November 2025 because he no longer had utility costs (Exhibit D-4).
- 7) The Appellant provided a statement to the Respondent on February 2, 2026, that his rent had been raised to \$900 per month, and the landlord itemized the rental bill to indicate that \$700 per month was used toward rent, and \$200 per month was utilized to pay utilities including gas, electricity, water, sewage, and garbage (Exhibit A-1).
- 8) The Appellant provided a rental receipt for February 2026 to verify that \$700 of his \$900 was itemized for rent and \$200 was itemized as a utility allowance (Exhibit A-1).
- 9) The Appellant makes a monthly payment of \$15 on a hospital bill.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 4.4.2.B lists allowable deductions for SNAP benefits. These deductions include the earned income disregard of 20 percent, the Standard Deduction, the dependent care deduction, the child support deduction, the Homeless Shelter

Standard Deduction, medical expenses for the elderly and/or disabled, shelter expenses, and the Standard Utility Allowance (SUA).

Code of Federal Regulations 7 CFR 273.9(d)(1)(i) addresses the Standard Deduction for SNAP benefits and states, in pertinent part:

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.

West Virginia Income Maintenance Manual Chapter 4, Appendix B, states that the current Standard Deduction for a one-to-three-person SNAP Assistance Group is \$209 per month.

Code of Federal Regulations 7 CFR 273.9(d)(6)(iii) addresses Standard Utility Allowances for SNAP purposes and states, in pertinent part:

(A)With FNS approval, a State agency may develop the following standard utility allowances (standards) to be used in place of actual costs in determining a household's excess shelter deduction: an individual standard for each type of utility expense; a standard utility allowance for all utilities that includes heating or cooling costs (HCSUA); and, 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, telephone, and garbage or trash collection.

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

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. Income 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.

West Virginia Income Maintenance Manual Chapter 4, Appendix B, states that the Heating/Cooling Standard Deduction is \$518 per month.

West Virginia Income Maintenance Manual Chapter 4.4.2.B.6 states:

Medical expenses in excess of \$35 must be allowed as a medical deduction for AG members who are elderly, which is at least age 60, or disabled, as defined in Section 13.15. Once the medical expenses of all such AG members have been totaled, the amount of the total in excess of \$35 is used as a medical deduction. Thirty-five dollars (\$35) is deducted from the total amount of expenses for the AG, not \$35 from each person's expenses. There is no maximum dollar limit for a medical deduction.

West Virginia Income Maintenance Manual Chapter 4.4.3.B addresses how to compute countable income for SNAP purposes.

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, including the WV WORKS benefit and any amount reduced or being repaid to WV WORKS due to failure to comply with a program requirement. See Section 4.4.4.

Step 4: Subtract the Standard Deduction found in Appendix B.

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 and Standard Utility Allowance is greater than Step 9 and at least one person is elderly or disabled, the amount in excess of 50% is deducted, without regard to the shelter/utility cap, in Appendix B to arrive at countable income.

West Virginia Income Maintenance Manual Chapter 4.4.3.C states that to determine the SNAP allotment, find the countable income and the maximum benefit allotment for the AG in Appendix A. To determine the benefit allotment, multiply net income by 30% (round up) then subtract 30% of net income as calculated above from the maximum monthly benefit for the AG size. Chapter 4, Appendix A, states that the maximum monthly SNAP allotment for a one-person Assistance Group is \$298.

West Virginia Income Maintenance Manual Chapter 4.4.4.A, Categorical Eligibility:

Although there is no gross or net income test, countable SNAP income for the purposes of determining level of benefit is calculated the same way it is for all other SNAP AGs. See Chapter 1 for Categorical Eligibility information.

West Virginia Income Maintenance Manual Chapter 1.14.17.C.1 states:

When an AG has at least one member who is authorized to receive benefits from TANF-funded programs or is authorized to receive information and referral services

about TANF and other department programs, the AG is categorically eligible. Authorized to receive means the AG is coded in the eligibility system as active for a benefit whether they are receiving it or not. Those authorized to receive include individuals who have been determined eligible for benefits and notified of the determination, even if benefits have not been received or accessed or the benefits have been suspended, recouped or not paid because they are less than a minimum amount or they have not yet received the information or referral. The following are TANF-funded programs:

- WV WORKS: Any month for which the AG is authorized to receive benefits.
- Employment Assistance Program (EAP): Any month for which the AG is authorized to receive benefits.
- Diversionary Cash Assistance (DCA): three months beginning with the month of approval.
- Support Service Payments: As long as actively enrolled in Work Programs (WP)
- School Clothing Allowance (SCA) and West Virginia School Clothing Allowance (WVSCA): Until the benefit expiration date.

Authorized for Information and Referral Services AGs with income at or below 200% are authorized to receive information and referral services. The DFA-SNAP-I&R-1 is mailed to the AG by the eligibility system to inform the client of potential programs or services available to him. The DFA-SNAP-I&R is paid for by TANF/MOE funds.

DISCUSSION

Policy specifies allowable deductions for SNAP benefits. These deductions include the earned income disregard of 20 percent, the Standard Deduction, the dependent care deduction, the child support deduction, the Homeless Shelter Standard Deduction, medical expenses for the elderly and/or disabled in excess of \$35, shelter expenses, and the Standard Utility Allowance (SUA). SNAP Assistance Groups are determined as being categorically eligible for benefits when at least one member of the AG is authorized to receive benefits from TANF-funded programs or is authorized to receive information and referral services about TANF and other department programs, such as School Clothing Allowance. Authorized for Information and Referral Services AGs with income at or below 200% of the Federal Poverty Level are authorized to receive information and referral services.

The Appellant testified that he does not agree with the Respondent's policy concerning the utility allowance, noting that it unfairly harms the elderly and disabled.

The Respondent's representative, Economic Services Supervisor Angela Allen, testified that the Appellant's SNAP benefits decreased because he was no longer eligible for a utility deduction since documentation indicated that his utilities were included in his rent. She stated that the Respondent will allow the Appellant a utility allowance effective March 2026 because the Appellant's landlord

has since itemized his monthly shelter/utility payments as \$700 for rent and \$200 for utilities (which includes a heating and cooling cost). She stated that the Appellant could qualify for a medical deduction should his monthly medical expenses exceed \$35 per month.

CONCLUSIONS OF LAW

- 1) SNAP Assistance Groups that are obligated to pay from their resources a utility expense that is billed separately from their shelter expense are eligible for a utility deduction.
- 2) The Appellant provided documentation in October 2025 that his rent was \$850 per month and his utilities were not billed separately from his shelter expense.
- 3) The Appellant was ineligible for a utility deduction because he was not billed separately for utilities.
- 4) The Appellant provided verification in February 2026 that his shelter expense is \$700 per month and his utility costs (including heating and cooling expenses) are separately itemized as \$200 per month.
- 5) The Appellant qualifies for the Standard Utility Allowance effective March 2026.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to decrease the Appellant's SNAP benefits in October 2025 because there was no verification that he was billed separately for utilities at that time.

ENTERED this 18th day of February 2026.

**Pamela L. Hinzman
State Hearing Officer**