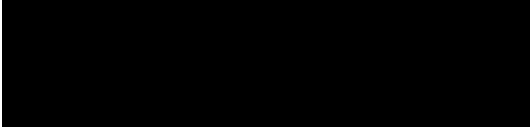




February 10, 2026



RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 26-BOR-1091

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: Stacy Kasprovicz, DoHS

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


Appellant,

v.

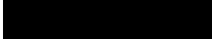
Action Number: 26-BOR-1091

**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 February 4, 2026.

The matter before the Hearing Officer arises from the Respondent's decision on December 30, 2025, regarding the amount of the Appellant's monthly Supplemental Nutrition Assistance Program (SNAP) allotment.

At the hearing, the Respondent appeared by Stacy Kasprowicz, 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 Verification Checklist, dated December 16, 2025
- DoHS Notice, dated December 30, 2025
- DoHS Notice, dated January 15, 2026
- West Virginia Income Maintenance Manual (WVIMM) Chapter 4 excerpts

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) In September 2025, the Appellant submitted verification of \$199 in rental expenses.
- 2) On December 15, 2025, the Appellant completed his SNAP review interview and was instructed to verify his rental expenses.
- 3) On December 16, 2025, the Respondent issued a *Verification Checklist* requesting that the Appellant submit proof of his rental obligation by December 25, 2025 (Exhibit D-1).
- 4) The Appellant did not submit verification of his rental expenses by December 25, 2025.
- 5) On December 30, 2025, the Respondent issued a notice advising the Appellant he was approved for \$103 in monthly SNAP allotment, beginning on February 1, 2026, through December 31, 2027 (Exhibit D-1).
- 6) In December 2025, the Appellant received \$987 in unearned income from the Social Security Administration (SSA) (Exhibit D-1).
- 7) In December 2025, the Appellant was not entitled to receive deductions for medical expenses, dependent care, or support payments.
- 8) When determining the Appellant's SNAP allotment, the Respondent applied a \$209 standard deduction (Exhibit D-1).
- 9) When determining the Appellant's SNAP allotment, the Respondent did not apply a shelter deduction because the Appellant's rental costs were not verified (Exhibit D-1).
- 10) When determining the Appellant's SNAP allotment, the Respondent applied a \$518 Standard Utility Allowance (SUA) when calculating the Appellant's shelter/utility costs, which resulted in a \$129 shelter/utility deduction being applied (Exhibit D-1).
- 11) When determining the Appellant's SNAP allotment, the Respondent considered \$649 net adjusted income (Exhibit D-1).
- 12) On January 5, 2026, the Appellant submitted verification of his shelter expenses.
- 13) On January 15, 2026, the Respondent issued a notice advising the Appellant's SNAP benefits would increase from \$103 to \$163 (Exhibit D-1).

APPLICABLE POLICY

Code of Federal Regulations 7 CFR § 273.2(f) *Verification* provides:

Verification is the use of documentation or a contact with a third party to confirm the accuracy of statements or information. The State agency must give households at least 10 days to provide required verification

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).

West Virginia Income Maintenance Manual (WVIMM) § 1.2.2.B Redetermination Process provides that periodic reviews of total eligibility for recipients are mandated by federal law. These are redeterminations that take place at specific intervals, depending on the program. Failure by the client to complete redetermination will result in termination of benefits. If the client completes the redetermination process by the specified program deadline(s) and remains eligible, benefits must be uninterrupted and received at approximately the same time.

The redetermination process involves basically the same activities described in the Application Process. Eligibility system changes and client notification of any changes resulting from redetermination conclude the process.

WVIMM § 1.2.2.C Case Reviews and Case Maintenance provides that while a redetermination is a required periodic review of total eligibility, a review may be conducted at any time on a single or combination of questionable eligibility factor(s).

The case maintenance process may involve a review or activities that update the Department's information about the client's circumstances between the application and first redetermination and between redeterminations. Changes in eligibility or the benefit amount may occur. If so, eligibility system action and client notification of any changes are required.

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):

$$\begin{array}{r} \text{EXAMPLE: } \$ 554 \text{ Net monthly Income} \\ \quad \quad \quad \underline{\times .30} \\ \quad \quad \quad \$ 166.30 = \$167 \end{array}$$

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

$$\begin{array}{r} \text{EXAMPLE: } \$973 \text{ Maximum Allotment for four} \\ \quad \quad \quad \underline{- 167} \text{ 30\% of net income} \\ \quad \quad \quad \$806 \text{ SNAP benefit for a full month} \end{array}$$

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

WVIMM § 1.4.1.A *Failure to Provide Requested Verification* provides that if an applicant AG fails to provide the verifications requested on the DFA-6 or verification checklist within the specified time limit, the application is denied.

WVIMM § 7.2.3 *Client Responsibilities* provides that the primary responsibility for providing verification rests with the client. It is an eligibility requirement that the client cooperate in obtaining necessary verifications. The client is expected to provide information to which he has access and to sign authorizations needed to obtain other information.

Failure of the client to provide necessary information or to sign authorizations for release of information results in a denial of the application or closure of the active case.

WVIMM § 10.4.2 *Client Reporting Requirements* provides that all SNAP assistance groups must report changes related to eligibility and benefit amount at application and redetermination.

NOTE: Shelter deductions must be verified at application, redetermination, and after a reported change. If the reported change is not verified, no shelter deduction is allowed.

DISCUSSION

The Appellant contested the Respondent's determination of his SNAP benefit allotment following his eligibility review. The Respondent did not apply a shelter deduction and reduced the amount of the Appellant's SNAP benefit allotment after the Appellant failed to submit the requested verification by the due date. Subsequently, the Appellant submitted a hearing request to protest the Respondent's allotment decision.

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 determined on December 30, 2025, the Respondent had to demonstrate by a preponderance of evidence that the Appellant failed to submit shelter cost verification and the Respondent correctly calculated the allotment amount.

Pursuant to the federal regulations, the Respondent must provide the Appellant with ten days to submit the requested verification. During the hearing, the Appellant affirmed that he did not supply the requested verification until January 5, 2026, which is more than ten days after the verification was requested. According to the policy, a client is entitled to a deduction once it has been verified. Because the Appellant did not verify the amount of his rent, the Respondent correctly excluded the Appellant's rent costs when calculating the Appellant's SNAP allotment on December 30, 2025.

Allotment Amount

During the hearing, the Appellant affirmed the amount of his unearned income in December 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 AG's income. As the Appellant's AG did not have earned income, only the AG's unearned income was considered:

\$987	Unearned income
<u>-209</u>	Standard income deduction
\$778	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 for a one-person AG, the HCS was \$518.

\$0	Shelter costs
<u>+518</u>	Utility standard
\$518	Shelter/Utility costs

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

\$778 adjusted income \div 2 = \$389 (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:

\$518	Shelter/Utility costs
<u>-389</u>	50% of adjusted income
\$129	Excess shelter utility costs (shelter/utility deduction)

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

\$778	Adjusted income
<u>-129</u>	Excess shelter utility costs
\$649	Net adjusted income

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

\$649 X .30 =194.70 (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 income 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 December 2025 decision, \$298 was the maximum SNAP allotment for a one-person AG.

\$298	Maximum SNAP allotment
<u>-194.70</u>	(30% of Net adjusted income)
\$103.30	

After rounding the allotment amount down to the nearest lower dollar, the Appellant's monthly SNAP benefit allotment was \$103, as calculated by the policy. This amount is consistent with the Respondent's allotment decision.

CONCLUSIONS OF LAW

- 1) An Assistance Group (AG) has a right to income deductions for shelter costs, including rent, once the cost is reported and verified.
- 2) The preponderance of evidence demonstrated that the Appellant did not supply rent cost verification within ten days after the verification was requested in writing.

- 3) The preponderance of evidence established that the Respondent correctly excluded the Appellant's rent costs when determining the amount of his SNAP benefit allotment.
- 4) The preponderance of evidence proved that the Respondent correctly determined that the Appellant was eligible for \$103 in monthly SNAP allotment.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision on December 30, 2025, regarding the Appellant's SNAP benefit allotment amount.

ENTERED this 10th day of February 2026.

**Tara B. Thompson, MLS
Certified State Hearing Officer**