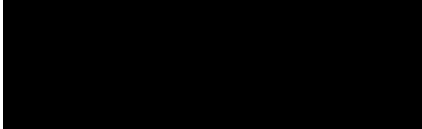




February 10, 2026



RE: [REDACTED] v. WV DOHS
ACTION NO.: 25-BOR-3494

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: Kristyne Hoskins, WV DOHS, BFA

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

██████████

Appellant,

v.

Action Number: 25-BOR-3494

**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 appeal was filed with the Board of Review on December 30, 2025 and originally convened on January 21, 2026, but upon Appellant's request, was continued and set for February 4, 2026. Prior to convening on the February 4, 2026, the Appellant requested another continuance. It was determined that the Appellant had opportunity to review the Respondent's evidence packet and therefore, her request for another continuance was denied.

The matter before the Hearing Officer arises from the December 17, 2025 decision by the Respondent to reduce the Appellant's Supplemental Nutrition Assistance Program (SNAP) monthly benefit allotment.

At the hearing, the Respondent appeared by Kristyne Hoskins, Economic Service Worker Senior. The Appellant appeared self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Application for Emergency Assistance, signed and dated October 17, 2025; West Virginia Department of Health and Human Resources Office of Family Support authorization of payment (emergency assistance – electric), signed and dated October 17, 2025; Termination Notice from Appalachian Power with due date of October 15, 2025
- D-2 Screen Print of the Appellant's Income Summary, updated October 17, 2025

- D-3 Screen Print of the Case Comments in the Appellant's case, dated February 18 to November 7, 2025
- D-4 PRC2 signed and dated December 3, 2025
- D-5 Screen Print of the Appellant's Data Exchange Summary
- D-6 Screen print of WV State Online Query RSDI Information Response
- D-7 Screen Print of the Appellant's Income Summary, dated December 16, 2025
- D-8 Screen Print of the Case Comments in the Appellant's case, dated December 15 - 22, 2025
- D-9 Screen Print of the activity in the Appellant's case from March 20, 2017 to December 10, 2025

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 receives SNAP benefits and completed an interim contact form (PRC-2) on December 3, 2025. (Exhibit D-4)
- 2) On December 16, 2025, the Respondent's worker processed the Appellant's PRC-2 and discovered an alert from the state's Beneficiary and Earnings Data Exchange (BENDEX) which showed that the Appellant began receiving Retirement, Survivors, Disability Income (RSDI) of \$1,048 in December 2025. (Exhibit D-5)
- 3) The WV State Online Query (SOLQ) also showed that the Appellant began receiving RSDI beginning December 2025, in the amount of \$1,048. (Exhibit D-6)
- 4) On December 17, 2025, notification was issued to the Appellant that her SNAP benefits would be reduced effective January 1, 2026, due to an increase in income.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WV IMM), Chapter 6, §6.3, Federal Data Exchanges, *et. seq.*

WV IMM, Chapter 6, §6.3.4, SOCIAL SECURITY ADMINISTRATION (SSA), in pertinent part:

Through data exchange, SSA provides the DOHS with information on:

- Pensions;
- Earnings;
- Net earnings from self-employment;

- Retirement, Survivors and Disability Insurance (RSDI);
- Supplemental Security Income (SSI); and
- Other related benefit information received through SSA.

WV IMM, Chapter 6, §6.3.4.A, System Generated

WV IMM, Chapter 6, §6.3.4.A.1, Beneficiary and Earnings Data Exchange (BENDEX): The BENDEX data exchange occurs daily. Information received includes RSDI amounts and Medicare eligibility and premiums.

This information is considered verified upon receipt for SNAP and is not subject to independent verification for any program. [Emphasis added]

Data exchanges include discrepancies between the eligibility system and SSA files and individuals who may also be receiving benefits in another state.

WV IMM, Chapter 6, §6.3.4.B, Worker Requested Verification – State On-Line Query (SOLQ)

SOLQ provides direct access to SSA’s databases. The Worker must initially use the Hub for evaluating eligibility for MAGI Medicaid and WVCHIP coverage groups, the Income and Eligibility Verification System (IEVS) data exchange for all other programs, and SOLQ last. Information received includes SSN verification, as well as SSI and RSDI details. Requests can be made only for individuals known to the eligibility system within the previous five years.

This information is considered verified upon receipt for SNAP and is not subject to independent verification. [Emphasis added]

RETIREMENT, SURVIVORS, AND DISABILITY INSURANCE (RSDI) - the amount of the client’s entitlement is counted as unearned income. (WV IMM, Chapter 4, §4.3.1.73, Chart 1)

WV IMM, Chapter 9, §9.3.1, ADVANCE NOTICE REQUIREMENTS: A client must receive advance notice in all situations involving adverse actions except those described in the Adverse Actions Not Requiring Advance Notice ... **The advance notice requirement is that notification be mailed to the client at least 13 days prior to the first day of the month in which the benefits are affected.** [Emphasis added]

Code of Federal Regulations – 7 CFR §273.9, et. seq.:

7 CFR 273.9(b), Definition of income. Household income shall mean all income from whatever source excluding only items specified in [paragraph \(c\)](#) of this section.

7 CFR 273.9(b)(2), Unearned income shall include, but not be limited to:

- (i) Assistance payments from Federal or federally aided public assistance programs, such as supplemental security income (SSI) or Temporary Assistance for Needy Families (TANF); general assistance (GA) programs (as defined in [§ 271.2](#)); or other assistance programs based on need. Such assistance is considered to be unearned income even if provided in the form of a vendor payment (provided to a third party on behalf of the household), unless the vendor payment is specifically exempt from consideration as countable income under the provisions of [paragraph \(c\)\(1\)](#) of this section. Assistance payments from programs which require, as a condition of eligibility, the actual performance of work without compensation other than the assistance payments themselves, shall be considered unearned income.

(ii) Annuities; pensions; retirement, veteran's, or disability benefits; worker's or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in §272.12; old-age, survivors, or social security benefits; strike benefits; foster care payments for children or adults who are considered members of the household; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 20 hours a week. [Emphasis added]

DISCUSSION

As part of continuing her SNAP benefits, the Appellant was required to complete and return a PRC-2. On December 16, 2025, the Respondent's worker processed the Appellant's PRC-2 and discovered an alert from the state's Beneficiary and Earnings Data Exchange (BENDEX) which showed that the Appellant began receiving Retirement, Survivors, Disability Income (RSDI) of \$1,048 in December 2025. The Respondent's worker also checked the WV State Online Query (SOLQ) which confirmed that the Appellant began receiving RSDI beginning December 2025, in the amount of \$1,048. Policy instructs that both BENDEX and SOLQ are considered verified upon receipt. The RSDI was entered into the Appellant's case which resulted in a reduction in her SNAP benefits. Notification of the SNAP reduction was issued on December 17, 2025, effective January 1, 2026. The Appellant brings this appeal averring that her RSDI, specifically, retirement income, should not be counted as income.

The Respondent must show by a preponderance of evidence that it correctly added the Appellant's RSDI and notified her of the reduction to her SNAP benefits.

The Appellant asserted that she is not a corporation and therefore her property, including income, should not be counted against her. Thus, the Appellant contended that her retirement income should not be recognized as income. The Appellant also asserted that she was not required to report her retirement income because it was after she completed the PRC-2 and therefore it should not have included in the SNAP calculations.

State policy instructs that BENDEX and SOLQ are considered verified upon receipt and requires the Respondent's worker to promptly act upon receiving information from these data exchanges. Thus, when the Respondent's worker processed the Appellant's PRC-2 and discovered the BENDEX information, the worker correctly added the Appellant's RSDI income into her case.

The evidence and testimony showed that the Appellant began receiving RSDI in December 2025 and that the Respondent correctly included this income to the Appellant's case. Notification of the resulting reduction in the Appellant's SNAP benefits was issued on December 17, 2025, to be effective January 1, 2026. The Board of Review lacks the authority to change policy. Federal regulations and state policy mandate that RSDI amounts be counted as unearned income for SNAP benefit calculations.

Whereas the Respondent correctly added the Appellant's RSDI to her case resulting in a reduction of her SNAP benefits, the decision to reduce the Appellant's SNAP benefit allotment beginning January 1, 2026 is affirmed.

CONCLUSIONS OF LAW

- 1) Policy instructs that information received from BENDEX and SOLQ are verified upon receipt.
- 2) Policy instructs that RSDI is included as unearned income when calculating SNAP benefits.
- 3) The Appellant began receiving RSDI in December 2025.
- 4) Upon discovering the BENDEX alert when processing the Appellant's PRC-2, the Respondent's worker correctly included the Appellant's RSDI in calculating her SNAP benefits.
- 5) The Respondent issued proper notification of the SNAP allotment reduction effective January 1, 2026.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to reduce the Appellant's monthly SNAP benefit allotment beginning January 1, 2026.

ENTERED this 10th day of February 2026.

Lori Woodward, Certified State Hearing Officer