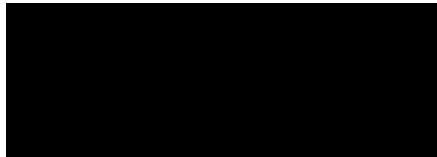




March 18, 2026



RE: [REDACTED] v. WVDOHS
ACTION NOS.: 26-BOR-1291 & 26-BOR-1561

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,

Amy Hayes
State Hearing Officer
Member, State Board of Review

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

cc: Kristyne Hoskins, Department Representative

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

████████████████████

Appellant,

v. **Action Numbers: 26-BOR-1291 (SNAP) & 26-BOR-1561 (LIEAP)**

**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 March 3, 2026, upon a timely appeal requested on February 9, 2026.

The matters before the Hearing Officer arise from the January 16, 2026 notice from the Respondent that the Appellant’s Supplemental Nutrition Assistance Program (SNAP) benefits would be closed after January 31, 2026, and a determination by the Respondent not to issue Low-Income Energy Assistance Program (LIEAP) benefits to the Appellant.

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

EXHIBITS

Department’s Exhibits:

- D-1 Notice from West Virginia Department of Human Services (DoHS) to ██████████ of Supplemental Nutrition Assistance Program (SNAP) redetermination and review form dated December 16, 2025
- D-2 PATH renewal application for SNAP benefits for ██████████ submitted on January 4, 2026
- D-3 Case comments screen prints for comments dated July 10, 2025, through February 12, 2026

- D-4 Verification Checklist Notice from DoHS to [REDACTED] of requirement to provide documentation dated January 15, 2026
- D-5 Documentation provided by [REDACTED] to DoHS on January 23, 2026
- D-6 Notice dated January 16, 2026, from DoHS to [REDACTED] that SNAP benefits are being closed
- D-7 Documentation provided by [REDACTED] to DoHS on February 9, 2026
- D-8 Case comments screen prints for comments dated January 14 through February 12, 2026
- D-9 West Virginia Income Maintenance Manual (IMM) excerpts of Sections 4.4.4.D.2 and 4.5.4.A.2
- D-10 IMM Sections 5.5.7.B.2 through 5.5.46
- D-11 Code of Federal Regulations Section 273.11(b)(1) – (2)

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 was a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits and Medicaid benefits as part of an assistance group (AG) of two (2). (Exhibit D-1)
- 2) On December 16, 2025, the Respondent notified the Appellant that her SNAP benefits must be reviewed that month and that she must complete a SNAP eligibility review form and submit it by January 1, 2026, and attend a telephone interview scheduled for January 7, 2026. (Exhibit D-1)
- 3) The Appellant failed to return the eligibility review form on or before January 1, 2026. Because the review form was not received, the telephone interview was not conducted on January 7, 2026.
- 4) The Appellant submitted the SNAP eligibility review form through the People’s Access To Help (PATH) online portal on January 4, 2026. (Exhibit D-2)
- 5) The Appellant did not apply for the Low-Income Energy Assistance Program (LIEAP) through the PATH online portal.
- 6) On the SNAP review submitted through PATH, the Appellant reported that her AG received self-employment income and unearned income. (Exhibit D-2)
- 7) On January 14, 2026, the Respondent’s worker interviewed the Appellant as part of her renewal and the Appellant reported self-employment income for her husband. (Exhibit D-3)

- 8) On January 15, 2026, the Respondent requested verification from the Appellant for both SNAP and Medical Assistance eligibility consideration due by January 24, 2026. These verifications included proof of rent, value of the Appellant's checking account, and number of volunteer hours at [REDACTED], the Appellant's husband's [REDACTED] gross income and expenses from self-employment in carpentry/construction, other self-employment expenses, the value [REDACTED] checking account, and the value of unspecified business equipment. (Exhibit D-4)
- 9) On January 16, 2026, the Respondent notified the Appellant that her SNAP benefits would close after January 31, 2026, for failure to complete the eligibility review. (Exhibit D-6)
- 10) On January 23, 2026, the Appellant faxed a hand-written statement of self-employment income, expenses, and work for [REDACTED] from October 2025 through January 2026, and checking account statements with hand-written descriptions of the transactions. (Exhibit D-5)
- 11) The fax sent January 23, 2026, was scanned by the Respondent on January 30, 2026. (Exhibit D-5)
- 12) On February 9, 2026, the Appellant called Client Services and was told the Respondent had not received her fax. Based on the information, the Appellant emailed the previously faxed information, including additional documentation of the rental agreement and the joint checking account statement in the Appellant's and her husband's names. (Exhibit D-7, Exhibit D-8)
- 13) On February 9, 2026, the Appellant requested a fair hearing. (Fair Hearing Request Form dated February 9, 2026, submitted with request for appeal and a part of the Administrative record)
- 14) On February 12, 2026, the Respondent's representative Kristyne Hoskins called the Appellant to complete a pre-hearing. (Exhibit D-8)
- 15) On February 27, 2026, the Appellant faxed additional information to the Respondent, which was not submitted as an exhibit for review during the hearing.
- 16) As of the date of the hearing, the Respondent had not yet processed the verification checklist information due on January 24, 2026, and received on January 23, 2026.

APPLICABLE POLICY

Code of Federal Regulations (CFR) § 273.11 describes Self-Employment Income for the Supplemental Nutrition Assistance Program (SNAP), in pertinent part:

§ 273.11 Action on households with special circumstances.

(a) ***Self-employment income.*** The State agency must calculate a household's self-employment income as follows:

(1) ***Averaging self-employment income.***

(i) Self-employment income must be averaged over the period the income is intended to cover, even if the household receives income from other sources. If the averaged amount does not accurately reflect the household's actual circumstances because the household has experienced a substantial increase or decrease in business, the State agency must calculate the self-employment income on the basis of anticipated, not prior, earnings.

(2) ***Determining monthly income from self-employment.***

(i) For the period of time over which self-employment income is determined, the State agency must add all gross self-employment income (either actual or anticipated, as provided in paragraph (a)(1)(i) of this section) and capital gains (according to paragraph (a)(3) of this section), exclude the costs of producing the self-employment income (as determined in paragraph (a)(4) of this section), and divide the remaining amount of self-employment income by the number of months over which the income will be averaged. This amount is the monthly net self-employment income. The monthly net self-employment income must be added to any other earned income received by the household to determine total monthly earned income.

(b) ***Allowable costs of producing self-employment income.***

(1) Allowable costs of producing self-employment income include, but are not limited to, the identifiable costs of labor; stock; raw material; seed and fertilizer; payments on the principal of the purchase price of income-producing real estate and capital assets, equipment, machinery, and other durable goods; interest paid to purchase income-producing property; insurance premiums; and taxes paid on income-producing property.

(2) In determining net self-employment income, the following items are not allowable costs of doing business:

(i) Net losses from previous periods;

(ii) Federal, State, and local income taxes, money set aside for retirement purposes, and other work-related personal expenses (such as transportation to and from work), as these expenses are accounted for by the 20 percent earned income deduction specified in § 273.9(d)(2);

(iii) Depreciation; and

(iv) Any amount that exceeds the payment a household receives from a boarder for lodging and meals.

West Virginia Income Maintenance Manual Section 1.4.1 describes the Application Process for SNAP, in pertinent part:

1.4.1.A Failure to Provide Requested Verifications

Different procedures apply when the case is closed because of failure to provide needed verification at the time of redetermination. When the client provides the verification within 30 days of the end of the certification period, it is still considered a redetermination and a new application is not required. See Section 1.4.18, Application and Redetermination Variations, for instructions on proration due to delayed processing.

1.4.18.E Completion

A SNAP redetermination is a reapplication for benefits. Under no circumstances are benefits continued past the month of redetermination, unless a redetermination is completed, and the client is found eligible.

If the recipient is no longer eligible, the SNAP AG is closed.

1.4.18.E.1 Benefit Issuance at Redetermination

➤ Uninterrupted Benefits at Redetermination

Clients who submit their redetermination form in a timely manner, complete the interview and provide requested verification within the agency time limits, must receive uninterrupted benefits or have lost benefits restored if the Agency's delay causes benefits to be interrupted. The client does not lose the right to uninterrupted benefits if the time limits established for verification extends into the new certification period.

Clients who fail to submit their redetermination form timely, fail to complete an interview or fail to submit missing verification by the established deadline lose the right to uninterrupted benefits.

Uninterrupted benefits are benefits received within 30 days of the last issuance. For longer certifications, uninterrupted benefits are benefits received at the usual time in the issuance cycle.

➤ Benefits Not Prorated

In the following redetermination situations, benefits are not prorated, and the certification period begins the month following the end of the previous certification period.

- The verification is due within the last month of the certification period and is returned by the last day of the certification period; or
- The verification is due after the last day of the certification period and is returned by the date the Worker specifies. A reapplication is not required.
- The redetermination is not submitted until the month following the end of the certification period due to an Agency error.

➤ Benefits Prorated

In the following redetermination situations, benefits are prorated, and the certification period begins the month following the end of the previous certification period and a reapplication is not required.

- The verification is due within the last month of the certification period and is not returned until the following month. Benefits are prorated from the date the verification is returned.
- The verification is due after the last day of the certification period and is returned after the due date, but by the end of the month it was due. Benefits are prorated from the date the verification is returned.

West Virginia Income Maintenance Manual Section 4.4.4.D describes Income from Self-Employment for SNAP, in pertinent part:

4.4.4.D Income from Self-Employment

When an AG member or a disqualified individual(s) receives income from self-employment, the instructions below must be used to arrive at the gross profit which is used to calculate countable income.

Contract income that is not intended to cover a 12-month period and is not paid on an hourly or piecework basis is prorated over the period it is intended to cover.

4.4.4.D.1 Determining Gross Income

Gross income includes the net proceeds from the sale of capital goods or equipment.

The method used to determine monthly gross income from self-employment varies with the nature of the enterprise. It is necessary to determine which of the following types of self-employment applies to the client's situation. Once the pattern of self-employment has been determined, the instructions below are used to determine how the income is counted.

➤ ***Person Receiving Regular Income***

Persons who receive income as profit on a more or less regular schedule (weekly, monthly, etc.), or receive a specific amount from the business each week or month and/or receive the balance of profit from the enterprise at the end of the business year.

This income is converted to a monthly amount, according to the Budgeting Method in Section 4.4.1.

Business expenses may be computed on a monthly basis or prorated over a 12-month period, at the client's option.

4.4.4.D.2 Determining Gross Profit

Gross profit from self-employment is the income remaining after deducting any identifiable costs of doing business from the gross income.

➤ ***Deductions***

Examples of allowable deductions include, but are not limited to:

- Employee labor costs, including wages paid to an AG member and any salary the client pays himself. When paid to an AG member, the income must be considered according to the provisions in Section 4.3.

- Stock and supplies
- Raw material
- Seed
- Fertilizers
- Repair and maintenance of machinery and/or property
- Cost of rental space used for conducting the business
- Payments on the principal and interest of the purchase price of income-producing real estate and capital assets, equipment, machinery, and other durable goods
- Insurance premiums and taxes paid on the business and income-producing property
- The utilities, principal, interest, and taxes for the client's residence which is used in part to produce income. This is applicable only if the expenses on the portion of the home used in the self-employment enterprise can be identified separately. See Shelter/Utility Deduction above. The total deduction given for shelter and/or expense of doing business must not exceed the actual expense.
- Advertising costs
- Utilities
- Office expenses, (i.e., stamps, stationery, etc.)
- Legal costs
- Net Loss from self-employment farming. See item D below.

Do not deduct the following:

- Federal, State, or local income taxes
- Money set aside for retirement
- Travel from home to a fixed place of business and return
- Depreciation
- Amounts claimed as a net loss, except loss from farming self-employment. See item D below.

West Virginia Income Maintenance Manual, Chapter 5.5 provides a List of Assets which identifies items that are considered in determining asset eligibility. It indicates when items are an asset for SNAP. Bank accounts, including checking accounts, are counted as assets for SNAP. Business personal property is excluded if used in a business, and vehicles are excluded regardless of use. Equipment essential for employment is also excluded.

West Virginia Income maintenance Manual Chapter 21 describes the Low-Income Energy Assistance Program, and provides, in pertinent part:

21.4.6 Applying for Benefits

Regular LIEAP applications may be mailed or delivered to the local DOHS office. Applications may also be submitted by use of WV PATH on the DOHS website. The Worker may request additional information if needed for eligibility determination, but incomplete applications must be denied.

DISCUSSION

The Appellant appealed the Respondent's decision to close her monthly Supplemental Nutrition Assistance Program (SNAP) benefits. The Respondent must prove by a preponderance of the evidence that it correctly closed the Appellant's SNAP benefits. The Appellant was a recipient of SNAP and Medicaid benefits as part of an assistance group of two (2) which included her husband, John Paul. The Appellant had been a recipient of Low-Income Energy Assistance Program (LIEAP) benefits in the past.

At the hearing, it was determined that the Appellant also wanted to appeal a LIEAP determination. The Appellant testified that she thought she applied for LIEAP through the People's Access To Help (PATH) online portal on January 4, 2024. The Respondent contended that there was no application for LIEAP on file for the Appellant. The Respondent's representative, Kristyne Hoskins (hereinafter Ms. Hoskins), testified that applications that are submitted through the PATH online portal are assigned a tracking number. These tracking numbers are viewable in PATH in the client portal under "My Applications." However, during the hearing, the Appellant testified that her PATH client portal did not show a tracking number for a LIEAP application. The preponderance of the evidence showed that the Appellant did not apply for LIEAP. The Respondent cannot take actions on applications it does not receive. Therefore, no adverse action was taken by the Respondent on this issue, and it is dismissed.

Regarding the SNAP benefits, the Appellant's certification period for SNAP expired on January 31, 2026. On December 16, 2025, the Respondent notified the Appellant by mail that an eligibility redetermination was due by January 1, 2026, and an interview was scheduled for January 7, 2026. The Appellant did not submit the redetermination form by January 1, 2026, and the interview had to be rescheduled. On January 4, 2026, the Appellant submitted the eligibility redetermination form. On January 14, 2026, the Appellant completed her interview, which is part of the redetermination process. Based on information gained by the Respondent during the interview about the Appellant's husband's self-employment income and assets, the Respondent's worker concluded that more information was needed to determine the proper self-employment income calculation.

On January 15, 2026, the Respondent mailed a notification to the Appellant requesting verifications for both SNAP and Medicaid benefits. Eight (8) verifications were requested. The verifications which were pertinent to the SNAP eligibility determination were proof of the value of a checking account and rent for the Appellant. Proof of gross income and expenses from self-employment in carpentry/construction, and value of [REDACTED] checking account, were requested for the Appellant's husband. The due date for the documentation was January 24, 2026. On January 16, 2026, the Respondent mailed a notification to the Appellant stating that her SNAP benefits would close after January 31, 2026, for failure to complete an eligibility review.

On January 23, 2026, at 6:44 pm, the Appellant faxed verifications which were [REDACTED] account statements in the name of [REDACTED] with hand-written descriptions of transactions, to the Respondent. The hand-written transactions were income and expenses of the business of the Appellant's husband. The verifications were faxed on a Friday, after business hours, but were not scanned into the system until January 30, 2026.

On February 9, 2026, the Appellant called Client Services to check on the status of her case and was told that her verifications had not been received. It is unclear why the documents which were sent via fax on January 23, 2026, and scanned on January 30, 2026, were not showing in the Respondent's system as having been received. On that same day, the Appellant emailed the information again, along with additional documentation of the rental agreement, and a [REDACTED] checking account statement in both the Appellant's and her husband's names. Also on that day, the Appellant requested a fair hearing. On February 12, 2026, Ms. Hoskins called the Appellant for a pre-hearing conference. On February 27, 2026, the Appellant faxed additional information which Ms. Hoskins testified that she received. As of the date of the hearing, the Respondent had not yet processed the verifications submitted by the Appellant.

Ms. Hoskins testified that the Appellant's SNAP benefits were set for closure on January 31, 2026. Evidence established that the Appellant returned multiple documents requested by the Respondent via fax on January 23, 2026. Ms. Hoskins testified that the Respondent would re-evaluate the Appellant's eligibility for SNAP based on the verifications the Appellant sent in. Ms. Hoskins also testified that the Respondent has now received all the correct verifications to update the case.

Based upon the testimony of Ms. Hoskins, all requested verifications have been submitted to date, and the Appellant has completed her eligibility review. The January 16, 2026, decision to close SNAP benefits based on not completing an eligibility review cannot be affirmed. The Respondent has a duty to process all verifications received from the Appellant.

CONCLUSIONS OF LAW

- 1) Failure to complete an eligibility review can result in the closure of Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) The Appellant completed her eligibility review form on January 4, 2026, and an interview on January 14, 2026.
- 3) The Appellant was notified on January 15, 2026, that she must submit verifications by January 24, 2026, or her benefits would stop after January 31, 2026.
- 4) The Appellant submitted verifications on January 23, February 9, and February 27, 2026.
- 5) At the time of the hearing, the Respondent had not yet processed the verifications submitted by the Appellant.
- 6) The Respondent shall process the submitted verifications and determine the Appellant's SNAP benefit allotment based on its calculation of her AG's self-employment income from the information submitted by the Appellant.

DECISION

26-BOR-1561 LIEAP

It is the decision of the State Hearing Officer to **DISMISS** this matter because the Appellant did not apply for this program, therefore there has been no adverse action taken in relation to the applicant's benefits.

26-BOR-1291 SNAP

It is the decision of the State Hearing Officer to **REVERSE** the actions of the Respondent to close the Appellant's SNAP benefits for failure to complete an eligibility review. The matter is **REMANDED** to process submitted verifications to determine eligibility for February and ongoing. Any decision by the Respondent is subject to fair hearing rights.

ENTERED this 18th day of March 2026.

**Amy Hayes
State Hearing Officer
Member, Board of Review**