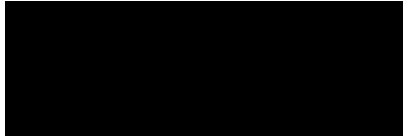




March 4, 2026



RE: [REDACTED] v. WVDohS/BFA
ACTION NO.: 26-BOR-1166

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,

Todd Thornton
State Hearing Officer
Member, State Board of Review

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

cc: Tamika Belle, Department Representative
April Wilson, Department Representative

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

████████████████████

Appellant,

v.

Action Number: 26-BOR-1166

**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 24, 2026, upon a timely appeal filed on January 22, 2026.

The matter before the Hearing Officer arises from the January 16, 2026 decision by the Respondent to terminate the Appellant’s Supplemental Nutrition Assistance Program (SNAP) application due to excessive assets and Able-Bodied Adult Without Dependents (ABAWD) policy limits.

At the hearing, the Respondent appeared by Tamika Belle. 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 | Case summary |
| D-2 | Scheduling order |
| D-3 | Notice dated January 16, 2026 |

- D-4 Case comments from the Respondent's data system regarding the Appellant's case, entry dates from November 6, 2025, to January 28, 2026
- D-5 Summary of Change #870 of the West Virginia Income Maintenance Manual

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 applied for SNAP and was approved in November 2025. (Exhibit D-4)
- 2) The Appellant received SNAP benefits with an exemption to Able-Bodied Adult Without Dependents (ABAWD) policy due to his status as a U.S. veteran of any military branch. (Exhibit D-4)
- 3) The SNAP ABAWD policy changed in November 2025, removing numerous exemptions to ABAWD policy, including exemptions for "...being a U.S. veteran of any military branch. (West Virginia Income Maintenance Manual, Chapter 3, Change History Log)
- 4) The Appellant continued to receive SNAP benefits in November 2025, December 2025, and January 2026.
- 5) The Respondent reviewed the Appellant's case in January 2026, as part of an "ABAWD report."
- 6) Comments recorded regarding the Appellant's case (Exhibit D-4) by a Respondent supervisor on January 15, 2026, note:

Working ABAWD report due to policy change. Client was receiving an exemption for his Veteran status however as of November 2025 this is no longer a valid exemption for ABAWD. Updated status question screen. The previous comments mention vet disability income but the income award letter provided does not indicate disability. No other disabilities found...Per policy change the client has used all of his ABAWD months due to losing exemption for Veteran status. Adjusted ABAWD months to reflect...

- 7) The Respondent mailed the Appellant a notice (Exhibit D-3), dated January 16, 2026, advising him that his SNAP benefits would stop, and that he will not receive SNAP benefits “after 2026-01-31.”
- 8) The notice (Exhibit D-3) provided two reasons for the SNAP termination: excessive assets and ABAWD policy limits.
- 9) The notice (Exhibit D-3) states, “The amount of assets is more than allowed for this benefit.”
- 10) The notice (Exhibit D-3) also states, “Able Bodied Adult has received SNAP for the first 3 month period without meeting the work requirement or being exempt.”
- 11) The Appellant had no other established exemptions to ABAWD policy at the time of the Respondent’s January 2026 termination of the Appellant’s SNAP benefits.
- 12) The Appellant is in the process of establishing disability.
- 13) Comments recorded regarding the Appellant’s case (Exhibit D-4) by a Respondent worker on January 28, 2026, read, in part, “...Worker asked client if he was 100% on his VA. Client stated that he is not 100%...”
- 14) The Appellant has \$3500 in countable assets.

APPLICABLE POLICY

Code of Federal Regulations 7 CFR § 273.24(b), outlines the ABAWD general rule as follows:

(b) **General Rule.** Individuals are not eligible to participate in SNAP as a member of any household if the individual received SNAP benefits for more than three countable months during any three-year period...

The West Virginia Income Maintenance Manual (WVIMM), Chapter 3, § 3.2.1.D.1, defines ABAWD as follows:

ABAWD is a population of individuals who are aged 18 or older but not yet age 65. An individual who turns 18 becomes an ABAWD in the month following their birthday. An individual is no longer an ABAWD in the month of their 65th Birthday.

WVIMM, Chapter 3, § 3.2.1.D.1.a, explains changes in the ABAWD target audience as follows (emphasis added):

- Effective October 1, 2022, all West Virginia counties are required to enforce the ABAWD work requirement per WV state code §9-8-2.
- Effective September 1, 2023, all 50-year-olds receiving SNAP (who are not exempt) must meet the ABAWD work requirement per the Fiscal Responsibility Act of 2023.
- Effective October 1, 2023, all 51-and-52-year-olds receiving SNAP (who are not exempt) must meet the ABAWD work requirement per the Fiscal Responsibility Act of 2023.
- Effective October 1, 2024, all 53-and-54-year-olds receiving SNAP (who are not exempt) must meet the ABAWD requirement per the Fiscal Responsibility Act of 2023.
- **Effective November 1, 2025, all individuals up to age 65 (who are not exempt) must meet the ABAWD requirement per the H.R.1 (One Big Beautiful Bill) of 2025.**

WVIMM, Chapter 3, Change History Log, notes change #870, effective November 1, 2025, with changes affecting sub-sections: 3.2.1.D.1, 3.2.1.D.1.A, and 3.2.1.D.4. This log provides a description of the change to sub-section 3.2.1.D.4, which reads (emphasis added):

Updated ABAWD age range, changed dependent child exemption age, **removed exemptions for** experiencing homelessness, **being a U.S. veteran of any military branch**, aging out of Foster Care and under age 25. Clarified that exemption changes must occur at the next recertification.

WVIMM, Chapter 5, § 5.4, provides a table showing the maximum allowable assets for participation in SNAP. This limit is shown as \$3,000 except, when “at least one Assistance Group (AG) member is age 60 or over, or is disabled,” which results in a \$4,500 asset limit.

DISCUSSION

The Appellant has appealed the decision of the Respondent to terminate the Appellant’s SNAP benefits for excessive assets and SNAP time limits imposed by ABAWD policy. The Respondent must show, by a preponderance of the evidence, that it correctly terminated the Appellant’s SNAP benefits for those reasons.

The Appellant applied for SNAP benefits and received three months of SNAP from November 2025 through January 2026. These three months form the limit allowable to an individual defined as an ABAWD by policy. This policy also provides exemptions and, until November 2025, included military veteran status among them. A change in law required the removal of the Appellant’s ABAWD exemption. The corresponding change in policy occurred in November 2025. The Board of Review is unable to change policy or create policy exceptions.

The Appellant did not have any other exemptions from ABAWD policy in January 2026, when the Respondent notified the Appellant that his SNAP benefits would be terminated on this basis. The Appellant is in the process of establishing disability, per his own testimony, and is “pretty close” to being disabled due to an injured foot. The Appellant receives a veteran’s pension, which the Appellant described as a “disability pension” in testimony. Neither party provided an award letter or other income verification as evidence, but a case comment entry from January 28, 2026 (Exhibit D-4), noted a Respondent worker confirmed with the Appellant that his veteran’s benefits were not entirely due to disability. Given these facts, it is more convincing that the Appellant did not have an ABAWD exemption established for disability in January 2026. The Respondent correctly terminated the Appellant’s SNAP in January 2026 for exhaustion of the three-month time limit imposed by ABAWD policy for individuals who do not meet the general work rule or an allowable exemption.

The Appellant also had \$3,500 in assets, which caused him to exceed the \$3,000 limit set by policy. The Appellant did not dispute the amount of his assets. The Appellant solely disputed the applicable asset limit. SNAP policy sets a \$4,500 asset limit when an assistance group member is disabled. In January 2026, the Appellant had not established disability, and the Respondent correctly terminated the Appellant’s SNAP for assets in excess of the \$3,000 limit.

Based on the reliable evidence and testimony from the hearing, the Respondent established that it correctly closed the Appellant’s SNAP benefits in January 2026 due to excessive assets and ABAWD policy time limits. The Appellant may reapply for SNAP at any time, and a change in his established disability status could affect SNAP eligibility.

CONCLUSIONS OF LAW

- 1) Because the Appellant was an ABAWD, he was subject to time-limited receipt of SNAP benefits without meeting the general rule or having an exemption.
- 2) Because of a change in law and policy, the Appellant did not have a military veteran exemption to SNAP ABAWD time limits beginning in November 2025.
- 3) Because the Appellant did not establish an ABAWD exemption due to disability from November 2025 to January 2026, these months count towards the time-limited receipt of SNAP set by ABAWD policy.
- 4) Because the Appellant received SNAP benefits for three months, from November 2025 to January 2026, without meeting the general rule or having an exemption, the Respondent must terminate his SNAP benefits.
- 5) Because the Appellant had not established disability in January 2026, the Respondent correctly applied a SNAP asset limit of \$3,000 and correctly terminated the Appellant’s SNAP benefits for exceeding that limit.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's termination of the Appellant's SNAP benefits due to excessive assets and ABAWD policy time limits.

ENTERED this ____ day of March 2026.

**Todd Thornton
State Hearing Officer**