



March 10, 2026

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 26-BOR-1293

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: Haley Cosner, DoHS

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

[REDACTED]

Appellant,

v.

Action Number: 26-BOR-1293

**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 [REDACTED]. 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 4, 2026.

The matter before the Hearing Officer arises from the Respondent's decision on December 4, 2025, to reduce the amount of the Appellant's monthly Supplemental Nutrition Assistance Program benefit allotment.

At the hearing, the Respondent appeared by Haley Cosner, 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:

None

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 \$785 monthly SNAP benefits for a three-person Assistance Group (AG).
- 2) On November 14, 2025, the Respondent processed the Appellant's Interim Contact Report (PRC-2).
- 3) The Appellant reported on the PRC-2 that she began employment with [REDACTED] and submitted paystubs to verify her bi-weekly income.
- 4) On October 10, 2025, the Appellant received \$1,661.98 gross earned income.
- 5) On October 24, 2025, the Appellant received \$1,457.19 gross earned income.
- 6) On November 7, 2025, the Appellant received \$1,171.11 gross earned income.
- 7) On December 4, 2025, the Respondent issued a notice advising the Appellant her monthly SNAP allotment would decrease from \$785 to \$182, effective December 1, 2025, because her earned income increased and the standard deduction amount applied to the SNAP income had changed.
- 8) When making the allotment decision, the Respondent considered \$3,074.70 gross earned income.
- 9) When making the allotment decision, the Respondent applied a \$209 standard deduction.
- 10) The Respondent considered \$850 shelter costs.
- 11) When making the allotment decision, the Respondent applied a \$242.62 Shelter/Utility deduction.
- 12) When calculating the Appellant's SNAP allotment, the Respondent considered \$2,008.14 net income for the AG.

APPLICABLE POLICY

Code of Federal Regulations 7 CFR § 273.9 *Income and deductions* provides that 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)(l) 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 three-person household \$785 is the maximum monthly allotment. (www.fns.usda.gov/snap/recipient/eligibility)].

West Virginia Income Maintenance Manual (WVIMM) § 4.3.1.30.j *Charts of Income Sources* — *Chart 1* provides that for determining SNAP eligibility, wages are counted as earned income.

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, the Non-Heating Cooling Standard (NHCS) is \$330, 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):

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

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

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

WVIMM § 4.4.1.D *How to Use Past and Future Income* provides that the Worker determines the amount of monthly income based on the frequency of receipt and whether the amount is stable or fluctuates. When income is received more often than monthly (such as biweekly), and the amount fluctuates, the Worker must find the average amount per period and convert to a monthly amount.

To convert biweekly pay into a monthly amount, multiply an actual or averaged amount by 2.15.

NOTE: The purpose of finding an average amount of fluctuating income is to even out the highs and lows in the amount of income

WVIMM § 4.4.2.B.1 *Earned Income Disregard* provides that twenty percent (20%) of gross countable earned income is disregarded.

WVIMM Chapter 4 *Appendix A-Income Chart* provides the maximum benefit allotment for a three-person AG \$785.

WVIMM § 9.3.1.A *Adverse Actions Requiring Advance Notice* provides that for a decrease in SNAP benefit amount, the Respondent must send advanced notice of adverse action.

WVIMM § 9.3.1.D.1 *Advance Notice Period Expires Before the First of the Following Month* provides that usually, the Worker will act in the eligibility system before the 13-day advance notice begins, in order to be effective, the first day of the following month.

EXAMPLE: Ms. Dahlia reports a change that requires advance notice. The Worker makes the change in the eligibility system on October 9. A DFA-NL-C is dated and mailed in the eligibility system on October 10. The 13-day advance notice period starts on October 10 and ends October 22. Since the advance notice period ends before November 1, the change is effective November 1.

DISCUSSION

On December 4, 2025, the Respondent issued a notice advising the Appellant of a change in her SNAP allotment amount, effective December 1, 2025. The Appellant requested a hearing to contest the allotment calculation. Although documentary evidence was not submitted to reveal the amount of verified gross earned income used by the Respondent, the Respondent's representative provided testimony regarding the amounts, and the Appellant affirmed the pay amounts during the hearing.

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 decided, the Respondent had to demonstrate by a preponderance of evidence that the Appellant's income and deductions were correctly applied.

Allotment Amount

During the hearing, the Appellant affirmed the amount of her earned income. The Respondent testified regarding the amount of the household's shelter costs and the Appellant did not contest the amount asserted. Information supplied during the hearing did not indicate that the Appellant was eligible for additional deductions. According to the policy, the SNAP allotment is calculated as follows:

When income is received more often than monthly (such as biweekly), and the amount fluctuates, the Worker must find the average amount per period and convert it to a monthly amount.

\$1,661.98	October 10, 2025 pay
1,457.19	October 24, 2025 pay
<u>+1,171.11</u>	November 7, 2025 pay
\$4,290.28	

$\$4,290.28 \div 3 = \$1,430.0933333333333$ (Average amount of biweekly pay)

To convert biweekly pay into a monthly amount, multiply an actual or averaged amount by 2.15.

$\$1,430.0933333333333 \times 2.15 = \$3,074.7006666666666$

Pursuant to the policy, twenty percent of the gross countable earned income is disregarded:

$\$3,074.7006666666666 \times .20 = 614.9401333333333$ (20%)

\$3,074.700666666666	Gross earned income
- 614.940133333333	Earned Income Disregard
<u>\$2,459.760533333333</u>	

The standard income deduction is applied to the AG's income

\$2,459.760533333333	Adjusted income
- 209	Standard income deduction
<u>\$2,250.760533333333</u>	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. During the hearing, the Respondent's representative testified that \$850 shelter costs were calculated with consideration of \$209 Heating/Cooling Standard. However, the policy provides that the HCS was \$518 at the time of the Respondent's decision.

\$850	The Appellant's shelter costs
<u>+518</u>	Utility standard
\$1,368	Shelter/utility costs

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

$\$2,250.760533333333 \text{ adjusted income} \div 2 = \$1,125.380266666667 \text{ (50\% adjusted income)}$

To determine the amount of excess shelter utility costs, 50% of the adjusted income is subtracted from the shelter/utility costs:

\$1,368	Shelter/utility costs
<u>-1,125.380266666667</u>	50% of the adjusted income
\$242.619733333333	Excess shelter/utility costs (shelter/utility deduction)

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

\$2,250.760533333333	Adjusted income
- 242.619733333333	Shelter/utility deduction
<u>\$2,008.1455999997</u>	Net adjusted income

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

$\$2,008.1455999997 \times .30 = \$602.44367999991 \text{ (30\% of net income)}$

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 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 the 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 allotment decision, \$785 was the maximum SNAP allotment for a three-person AG.

\$785	Maximum SNAP allotment
<u>-602.44367999991</u>	30% of net adjusted income
\$182.55632000009	

After rounding the allotment amount down to the nearest lower dollar, the Appellant's monthly SNAP benefit allotment was \$182, as calculated by the policy. This amount is consistent with the Respondent's allotment decision.

Notification

Because the Appellant's income change reported on the PRC-2 resulted in a decrease of her SNAP allotment, the Respondent was required to send advanced notice of adverse action before reducing the Appellant's SNAP benefit allotment. The notice was issued on December 4, 2025, with a retroactive reduction in benefits, effective on December 1, 2025. According to the policy, the Appellant's SNAP allotment reduction should have been effective on January 1, 2026. The notification issued by the Respondent on December 4, 2025, did not satisfy the advanced notification requirements. As the Respondent failed to issue proper advanced notice before reducing the Appellant's SNAP allotment, the Appellant's benefits must be retroactively reinstated until sufficient notice has been issued according to the policy.

CONCLUSIONS OF LAW

- 1) Monthly SNAP allotments are determined by the AG's countable income after allowable deductions have been applied.
- 2) Wages are considered as earned income when determining the AG's SNAP allotment amount.
- 3) The preponderance of evidence demonstrated that the Respondent correctly attributed the Appellant's wages when calculating the Appellant's SNAP allotment reduction.
- 4) The preponderance of evidence proved that the Appellant's reported income increase resulted in a reduction in the SNAP allotment the AG was entitled to receive.
- 5) Because the reported change of income resulted in a decrease of the Appellant's SNAP allotment, the Respondent was required to send advanced notice of adverse action before reducing the Appellant's SNAP benefit allotment.
- 6) The preponderance of evidence demonstrated that the Respondent failed to issue advanced notice to the Appellant before reducing her SNAP allotment.

- 7) As the Respondent failed to issue proper advanced notice before reducing the Appellant's SNAP allotment, the Appellant's benefits must be retroactively reinstated until sufficient advanced notice has been issued pursuant to the policy requirements.
- 8) Because advanced notice was not issued to the Appellant, the Respondent incorrectly reduced the amount of her SNAP benefit allotment effective December 1, 2025.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's decision to reduce the Appellant's SNAP allotment effective December 1, 2025. It is hereby **ORDERED** that the Appellant's SNAP allotment be retroactively reinstated. The matter is **REMANDED** for issuance of proper advanced notice pursuant to the policy requirements.

ENTERED this 10th day of March 2026.

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