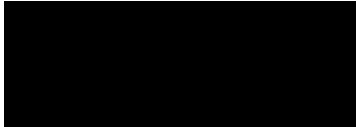




March 26, 2026



RE: [REDACTED] v. WV DoHS/BFA  
ACTION NO.: 26-BOR-1433

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: Monica Emery, DoHS

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

████████████████████

**Appellant,**

v.

**Action Number: 26-BOR-1433**

**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 24, 2026.

The matter before the Hearing Officer arises from the Respondent's decision on March 2, 2026, regarding her monthly Supplemental Nutrition Assistance Program (SNAP) benefit allotment.

At the hearing, the Respondent appeared by Monica Emery, 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 DoHS Notice, dated February 17, 2026
- D-2 Hearing Request Form, scanned on February 27, 2026
- D-3 DoHS Notice, dated March 2, 2026
- D-4 Case Comments

**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 is a recipient of SNAP benefits.
- 2) On March 2, 2026, the Respondent issued a notice advising the Appellant her SNAP benefits were approved. Her \$62 monthly SNAP allotment was effective beginning on April 1, 2026, through February 29, 2028 (Exhibit D-3).
- 3) When making the allotment decision, the Respondent considered \$994 gross Supplemental Security Income (SSI) unearned income and applied a \$209 standard deduction (Exhibits D-3 and D-4).
- 4) When making the allotment decision, the Respondent considered \$785 in net adjusted income (Exhibit D-3).
- 5) The Respondent did not apply any medical expense deductions, dependent care expense deductions, or shelter/utility expense deductions (Exhibit D-3).
- 6) On February 12, 2026, the Respondent completed the Appellant's eligibility interview and recorded that the Appellant resided in a group home and did not pay any living expenses (Exhibit D-4).
- 7) At the time of the Respondent's decision, the Appellant did not pay for any dependent care, support payments, or shelter expenses (Exhibit D-3).
- 8) At the time of the Respondent's decision, the Appellant did not report any medical expenses.

## **APPLICABLE POLICY**

**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](http://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](http://www.fns.usda.gov/snap/recipient/eligibility))

**West Virginia Income Maintenance Manual (WVIMM) Chapter 4 Appendix A-Income Chart** provides that the maximum benefit allotment for a one-person AG is \$ 298.

**WVIMM § 4.3.1.85 Charts of Income Sources — Chart 1 SSI** provides that for SNAP, SSI is 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.

**WV IMM § 4.4.2.C Shelter Expense, Residents of Group Living Facilities (GLF)** provides that the portion of the payment made to the GLF, which can be identified as being for shelter or utilities, is used as a shelter or deduction. If it is not possible to identify the portion of the payment that is for shelter, the Worker subtracts the maximum monthly benefit for the number of people in the AG from the total monthly payment made from the AG's income. The remainder is used as the shelter expense.

**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):

EXAMPLE: \$ 554 Net monthly Income  

$$\begin{array}{r} \times .30 \\ \hline \$ 166.30 = \$167 \end{array}$$

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

EXAMPLE: \$973 Maximum Allotment for four  

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

**DISCUSSION**

In March 2026, the Respondent issued a notice advising the Appellant she was approved for \$62 monthly SNAP allotment beginning on April 1, 2026, through February 29, 2028. During the hearing the Appellant requested a SNAP allotment increase.

A judgement cannot be made on the policy, and the Hearing Officer may only determine whether the Respondent correctly applied the policy when determining the amount of the Appellant’s monthly SNAP benefit allotment. Maximum SNAP allotments are adjusted annually and posted on the U.S. Department of Agriculture Food and Nutrition Service (FNS) website. From October 1, 2025 through September 30, 2026, \$298 is the maximum monthly SNAP allotment available to a one-person AG. The Respondent’s policy reflects the federally set \$298 maximum monthly SNAP allotment.

***SNAP ALLOTMENT***

To prove that the Respondent’s March 2026 SNAP allotment decision was accurate, the preponderance of evidence had to reveal that the Appellant was eligible for \$62 in monthly SNAP benefits. During the hearing, the Appellant did not dispute that she received \$994 gross SSI monthly. Pursuant to the policy, SSI is counted as unearned income when determining SNAP eligibility. According to the policy, SNAP allotment is calculated as follows:

$$\begin{array}{r} \$994 \quad \text{Gross unearned income} \\ -209 \quad \text{Standard income deduction} \\ \hline \$785 \quad \text{Adjusted Income} \end{array}$$

Next, the medical and shelter deductions are subtracted. The Appellant testified that she has some pharmacy costs, and the Respondent advised that the Appellant may potentially be eligible for a medical expense deduction if the Appellant verifies her pharmacy costs. The policy instructs that the client has a right of the expense once it is reported and verified. Pursuant to the submitted evidence, the Appellant was not eligible for any additional income deductions at the time of the Respondent’s decision.

During the hearing, the Appellant affirmed that she had not previously reported any medical expense or shelter expenses. The Respondent's case comments indicate that the Appellant resides in a group home and does not pay for any shelter costs. According to the policy, shelter deductions may only be applied for shelter payments made from the AG's income.

As the Appellant was not determined to be eligible for other income deductions, the Appellant's net adjusted income was \$785. 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 March 2026 allotment decision, \$298 was the maximum SNAP allotment for a one-person AG.

$$\$785 \times .30 = \$235.50 \text{ (30\% of net adjusted income)}$$

|               |                              |
|---------------|------------------------------|
| \$298         | Maximum SNAP allotment       |
| <u>-235.5</u> | (30% of net adjusted income) |
| \$ 62.50      | Monthly SNAP allotment       |

After rounding the allotment down to the nearest lower dollar, the Appellant's monthly SNAP benefit allotment is \$62, which is consistent with the Respondent's March 2026 SNAP allotment decision.

As the Appellant reported medical expenses during the hearing, the Respondent should issue a verification checklist and provide the Appellant with an opportunity to verify her medical costs.

### **CONCLUSIONS OF LAW**

- 1) Monthly SNAP allotments are determined by an AG's countable income after allowable deductions have been applied.
- 2) The preponderance of evidence demonstrated that the Respondent correctly calculated the Appellant's \$62 monthly SNAP allotment amount, effective April 1, 2026.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's March 2, 2026 decision regarding the Appellant's \$62 monthly SNAP allotment.

**ENTERED this 26<sup>th</sup> day of March 2026.**

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