



April 7, 2026



RE: [REDACTED] WV DoHS/BFA
ACTION NO.: 26-BOR-1220

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: Chaelyn Casteel, Assistant Attorney General

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

[REDACTED]

Appellant,

v.

Action Number: 26-BOR-1220

**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 25, 2026.

The matter before the Hearing Officer arises from the Respondent's decision on February 4, 2026, to deny the Appellant's eligibility for Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Assistant Attorney General Chaelyn Casteel. Appearing as witnesses for the Respondent were DoHS staff Leslie Riddle, Nikki Caldwell, Anita Radabaugh, and Connie Carpenter. 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 West Virginia Income Maintenance Manual (WVIMM) Chapter 1 excerpts
- D-2 People's Access To Help (PATH) application coversheet
- D-3 Case Comment
- D-4 DoHS Notice, dated January 12, 2026
- D-5 Case Benefit Summary
- D-6 Verification Checklist
- D-7 DoHS Notice, dated January 12, 2026
Pages 1, 3, 5, 7, and 9 of 9
- D-8 DoHS Notice, dated February 4, 2026
- D-9 WVIMM Chapter 1 excerpts
- D-10 Email Correspondence, dated February 4, 2026

- D-11 Case Comments
- D-12 WVIMM Chapter 1 excerpts
- D-13 WVIMM Chapter 1 and Chapter 7 excerpts
- D-14 WVIMM Chapter 1 excerpts
- D-15 WVIMM Chapter 1 excerpts
- D-16 Case Comments
- D-17 Appellant correspondence, dated February 13, 2026
- D-18 WVIMM Chapter 4 excerpts
- D-19 USDA Rural Development Customer Service Center Monthly Billing Statement
- D-20 Appellant statement
- D-21 SNAP Shelter Verification Training Blast, revised January 29, 2026
Appellant Income and Mortgage Statement
- D-22 Appellant's Email Correspondence, dated February 4, 2026
- D-23 Appellant Income and Mortgage Statement
- D-24 Case Comments

Appellant's Exhibits:

- A-1 Appellant Email Correspondence, dated February 18, 2026
- A-2 Typed Hearing Request Form
- A-3 DoHS Notice Excerpts
- A-4 Appellant's Email Correspondence, dated February 2, 2026
- A-5 Appellant's statement
- A-6 DoHS Notice, dated February 4, 2026
- A-7 Email Correspondence, dated February 6, 2026
- A-8 Email Correspondence, dated January 21, 2026

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) On February 4, 2026, the Respondent issued a notice denying the Appellant's eligibility for SNAP benefits because she did not turn in all requested information (Exhibits D-8 and A-1).
- 2) On January 5, 2026, the Appellant applied via PATH for SNAP and Medicaid eligibility for a one-person Assistance Group (AG) (Exhibits D-2, D-3, and D-24).
- 3) On January 5, 2026, the Respondent completed the Appellant's SNAP eligibility interview via telephone (Exhibit D-3).
- 4) The Appellant reported \$0 earned income and \$0 unearned income during her SNAP eligibility interview. (Exhibits D-3 and D-24).

- 5) On January 5, 2026, the Respondent's worker pended the Appellant's benefits for February and ongoing, while awaiting verification of \$1,000 reported shelter costs and "self-employment/no income verification" (Exhibit D-3).
- 6) The Respondent issued the Appellant \$258 in expedited SNAP benefits from January 5 through January 31, 2026 (Exhibits D-3, D-4, D-5, and D-24).
- 7) The *Statement of Calculations* on the January 12, 2026 notice reflected \$0 for income, earned income deduction, standard deduction, medical expense deduction, dependent care deduction, and support payments. A \$744 shelter/utility deduction was applied (Exhibits D-4 and A-1).
- 8) On January 12, 2026, the Respondent issued a *Verification Checklist* to the Appellant requesting the following verification be submitted by January 21, 2026:
MORTGAGE/Proof of your obligation for this expense
PERSNL [sic] CARE/CHOR SR/ Proof of gross income from self-employment (Exhibit D-6)
- 9) On January 12, 2026, the Respondent issued a notice advising the Appellant her expedited SNAP benefits would end after January 31, 2026, because her certification for expedited SNAP expired. The notice advised that if the Appellant wished to continue receiving SNAP benefits, she must supply the information listed. The submitted notice was incomplete and did not include the listed items (Exhibits D-7 and A-1).
- 10) On January 22, 2026, the Respondent scanned in the Appellant's submitted monthly mortgage billing statement, dated May 7, 2024 (Exhibit D-19).
- 11) On February 3, 2026, Respondent Worker EW54BN recorded, "failed self-employment verification provided 1.21.2026 documentation provided did not indicate earned wages, client stated minimal money has been made, did not indicate specific dollar amount, only hours worked," and "shelter statement for house loan dated 5/22/2024. Client did not provide recent statement of foreclosure [sic] with shelter" (Exhibit D-11). The January 21, 2026 income verification referenced was not submitted as evidence.
- 12) On February 4, 2026, via email correspondence, the Appellant asserted she submitted all requested information to the Respondent via email on January 21, 2026 (Exhibit D-10).
- 13) On February 5, 2026, the Respondent scanned in a written statement from the Appellant stating, "Contact USDA Rural Development Customer Service at 1-800-414-1226 for verification of current foreclosure status and ongoing obligation. I am responsible for the utilities at this address" (Exhibit D-20).
- 14) On February 5, 2026, the Respondent scanned in a statement by the Appellant regarding her work. The statement reflects, "My gross income from self-employment in the past 30 days (December 2025-January 2025) was \$0, as no paid projects were completed. Estimated ongoing gross: \$0-50/month until launch" (Exhibit D-21).

- 15) The Appellant is legally responsible for her mortgage but no longer receives regular monthly mortgage statements from the lender or servicer due to the mortgage being in foreclosure status (Exhibit D-21).
- 16) On February 9, 2026, the Respondent scanned in a statement by the Appellant that she is self-employed and reflects, “My gross income from self-employment has been: \$300 (Dec 2025-January 2026), and \$225 (Jan-Feb 2026)” (Exhibit D-23).
- 17) On February 17, 2026, when being evaluated for Low-Income Energy Assistance Program (LIEAP) eligibility, the Appellant reported to Respondent Worker EW5466 that she was not employed with [REDACTED] and reported she would be teaching Artificial Intelligence (AI) (Exhibit D-16). The Appellant’s LIEAP eligibility was subsequently approved (Exhibit D-16).
- 18) On February 18, 2026, the Appellant asserted via email that she disclosed her self-employment income on January 9, 2026, during her interview, and provided a quantified income statement to the Respondent on February 6, 2026, after she received the Respondent’s denial notice (Exhibit A-1).
- 19) Following her February 17, 2026 reported income change, on February 19, 2026, Respondent Worker EW5466 recorded “provided written statement that she has 3 months of income,” and “525.00/3=175” (Exhibits D-16 and D-24).
- 20) On February 19, 2026, the Appellant was issued \$288 in SNAP benefits (Exhibit D-5).
- 21) On February 19, 2026, the Respondent recorded that the Appellant’s SNAP benefits were approved for \$298, effective March 2026 (Exhibit D-5).
- 22) The Respondent’s SNAP Shelter Training Blast provides that “the shelter attestation form (DFA-SA-1) is also acceptable for mortgage verification...” (Exhibit D-21).
- 23) The Respondent’s SNAP Shelter Training Blast provides that if an individual provides questionable verification that is incomplete, inaccurate, outdated, or inconsistent with recently reported information, then the Respondent may request additional verification (Exhibit D-21).

APPLICABLE POLICY

Code of Federal Regulations 7 CFR § 273.2(a)(2) *Application Processing* provides that the application process includes filing and completing an application form, being interviewed, and having certain information verified. The State agency must act promptly on all applications and provide SNAP benefits retroactive to the month of application to those households that have completed the application process and have been determined eligible. States must meet application processing timelines, regardless of whether a State agency implements a photo EBT card policy. The State agency must make expedited service available to households in immediate need. Specific responsibilities of households and State agencies in the application process are detailed below.

Code of Federal Regulations 7 CFR § 273.2(c)(5) *Notification of Required Verification* provides that the State agency shall provide each household at the time of application for certification with a notice that informs the household of the verification requirements the household must meet as part of the application process. The Notice shall also inform the household of the State agency's responsibility to assist the household in obtaining required verification provided the household is cooperating with the State agency as specified in (d)(1) of this section. The notice shall be written in clear and simple language At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period of time the documents should cover [emphasis added].

Code of Federal Regulations 7 CFR § 273.2(f) *Verification* provides that verification is the use of documentation or a contact with a third party to confirm the accuracy of statements or information. The State agency must give households at least 10 days to provide required verification. Paragraph (i)(4) of this section contains verification procedures for expedited service cases.

Code of Federal Regulations 7 CFR § 273.2(f)(5) *Verification* provides:

(i) The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information. The State agency must assist the household in obtaining this verification provided the household is cooperating with the State agency as specified under [paragraph \(d\)\(1\)](#) of this section. Households may supply documentary evidence in person, through the mail, by facsimile or other electronic device, or through an authorized representative. The State agency must not require the household to present verification in person at the SNAP office. The State agency must accept any reasonable documentary evidence provided by the household and must be primarily concerned with how adequately the verification proves the statements on the application

(ii) Whenever documentary evidence is insufficient to make a firm determination of eligibility or benefit level, or cannot be obtained, the State agency may require a collateral contact or a home visit in accordance with [paragraph \(f\)\(4\)](#) of this section. The State agency, generally, shall rely on the household to provide the name of any collateral contact The State agency is responsible for obtaining verification from acceptable collateral contacts.

Code of Federal Regulations 7 CFR § 273.2(f)(6) *Documentation* provides that case files must be documented to support eligibility, ineligibility, and benefit level determinations. Documentation shall be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination.

Code of Federal Regulations 7 CFR § 273.2(i)(4) *Special procedures for expediting service* provides that the State agency shall use the following procedures when expediting certification and issuance: ...

(i)(B) All reasonable efforts shall be made to verify within the expedited processing standards, the household's ... income statement (including a statement that the household has no income), liquid resources, and all other factors required by § 273.2(f), through collateral contacts or readily available documentary evidence. However, benefits shall not be delayed beyond the delivery

standards prescribed in paragraph (i)(3) of this section, solely because these eligibility factors have not been verified.

(ii) Once an acceptable collateral contact has been designated, the State agency shall promptly contact the collateral contact, in accordance with provisions of paragraph (f)(4)(ii) of this section. Although the household has the primary responsibility for providing other types of verification, the State agency shall assist the household in promptly obtaining the necessary verification.

(iii) Households that are certified on an expedited basis and have provided all necessary verifications required in paragraph (f) of this section prior to certification shall be assigned normal certification periods. If verification was postponed, the State agency may certify these households for the month of application...

(A) For households applying on or before the 15th of the month, the State agency may assign a one-month certification period or assign a normal certification period. Satisfaction of the verification requirements may be postponed until the second month of participation. If a one-month certification period is assigned, the notice of eligibility may be combined with the notice of expiration or a separate notice may be sent. The notice of eligibility must explain that the household has to satisfy all verification requirements that were postponed

...

(iv) There is no limit to the number of times a household can be certified under expedited procedures, as long as prior to each expedited certification, the household either completes the verification requirements that were postponed at the last expedited certification or was certified under normal processing standards since the last expedited certification. The provisions of this section shall not apply at recertification if a household reapplies before the end of its current certification period.

WVIMM § 1.4.1.A *Failure to Provide Requested Verification* provides that if an applicant AG fails to provide the verifications requested on the DFA-6 or verification checklist within the specified time limit and the application is denied, the AG must be given the opportunity to have its eligibility established for up to 60 days from the date of application without completing a new form.

If the client brings in the verification before the 60-day period has expired, the Worker determines the AG's eligibility based on the original application, noting in the Case Comments any changes which have occurred since the form was completed. If the application is approved, SNAP benefits are not retroactive to the date of application because the approval delay was the fault of the client. Benefits are issued from the date the client provides verification. The Worker provides benefits using information reported during the original application and any other pertinent information provided prior to approval.

WVIMM § 7.2.3 *Client Responsibilities* provides that the primary responsibility for providing verification rests with the client. It is an eligibility requirement that the client cooperate in obtaining necessary verification ... The client is expected to provide information to which he has access and to sign authorizations needed to obtain other information.

Failure of the client to provide necessary information or to sign authorizations for release of information results in denial of the application or closure of the active case, provided the client has access to such information and is physically and mentally able to provide it.

Refusal to cooperate, failure to provide necessary information, or failure to sign authorizations for release of information, provided the client has access to such information and is physically and mentally able to provide it, may result in one of the following:

- Denial of the application
- Closure of the assistance group (AG)
- Determination of ineligibility
- Disallowance of an income deduction or an incentive payment

No case may be determined ineligible when a person outside the AG or income group (IG) fails to cooperate with verification.

WVIMM § 7.2.4 *Worker Responsibilities* provides that the Worker has the following responsibilities in the verification process:

- At application ... and anytime a DFA-6 is used, the Worker must list all required verification known at that time ...
- If the client is unsuccessful in obtaining information, or if physical or mental limitations prevent compliance, and there is no one to assist him, the Worker must document attempts to obtain the verification.
- The Worker must accept any reasonable documentary evidence as verification and must not require a specific kind or source of verification ...

WVIMM § 1.4.10 *Agency Delays* provides that if, because of an agency error, an application has not been acted on within the required time limit, corrective action must be taken immediately.

If the agency failed to request the necessary verification, the Worker must immediately send a DFA-6 or verification checklist to the applicant and note that the application is pending [emphasis added]. When the information is received, benefits are retroactive to the date of application. If the agency fails to act promptly on the information already received, benefits are retroactive to the date eligibility would have been established had the agency acted in a timely manner.

WVIMM § 1.4.16 *Expedited Processing* and § 1.4.16.A *Eligibility Requirements* provide that it is possible for a client to qualify for Expedited Service at any time during the application process. Eligible cases include those whose monthly gross income is less than \$150 and whose liquid assets do not exceed \$100 and cases whose combined monthly gross countable income and liquid assets are less than the AG's monthly paid and unpaid shelter costs and the Standard Utility Allowance amount for which the AG is eligible. There is no limit to the number of times an AG may be certified under expedited procedures, as long as, prior to each expedited certification, the AG either completes the verification requirements that were postponed at the expedited certification; or was certified under normal processing standards since the last expedited certification.

WVIMM § 1.4.16.C.1 *Expedited Processing, Verification/Work Requirements* provide that verification of standard eligibility requirements is temporarily postponed, unless verification can occur within the Expedited Service time frame. This does not mean that eligibility requirements are waived prior to approval, only that the routine verification of them is postponed Postponed verification must be received prior to the second issuance.

WVIMM § 1.2.3.A Worker Responsibilities, General provides that the worker has the following general responsibilities in the application process, including

- Obtaining pertinent, necessary information through verification
- Assist the client in obtaining information required to establish his eligibility.
 - Determine whether or not the client is able to cooperate
 - If he is able, but has not complied, instruct the client that his failure to fulfill his obligation may result in denial of the application

WVIMM § 9.2.1 DFA-6, Notice of Information Needed provides that the DFA-6 may be used during any phase of the eligibility determination process. At the time of application, it is given or mailed to the applicant to notify her of information or verification she must supply to establish eligibility. When the DFA_6 is mailed at the time of application, the client must receive the DFA_6 within five working days of the date of application.

If the client fails to adhere to the requirements detailed on the DFA-6, the application is denied or the deduction disallowed, as appropriate. The client must be notified of the subsequent denial by form DFA-NL-A.

WVIMM § 9.2.1.A SNAP provides that the date entered on the DFA-6 must be 10 days from the date of issuance. If information involving an eligibility factor is not provided by the date indicated, and the client has not contacted the Worker to explain the delay, the application is denied using DFA-NL-A. If eligibility is established, but the client does not provide proof of entitlement to a deduction, the deduction is not allowed, but the assistance group (AG) is approved. The DFA-NL-A is used for notification of approval.

Federal regulations require that the DFA-6 be given to the client no later than 30 days after the date of application. He must be allowed 10 days to respond to the DFA-6. The Worker must issue benefits retroactive to the date of application if the client supplies the needed information within the 30-day time limit.

WVIMM § 7.3 Verification Requirements provides:

25. *Shelter Expenses*, for SNAP verification must be obtained at each application and redetermination, or when an individual reports a change of shelter expense. Acceptable verification must include the name and phone number of the landlord, the obligation amount, and the actual paid amount. Shelter expense verifications do not require a landlord's signature. Acceptable verification is not limited to any single type of document and is obtained from the household or other source. When the customer cannot obtain information from a primary source of verification, the worker can then accept a secondary source. When a customer cannot obtain any verification of shelter expense, it is necessary for the worker to obtain a shelter attestation form from the customer. If a lease or rental agreement provided by the customer is older than 1 year, the customer must also complete a shelter attestation form. The Worker must provide or mail the shelter attestation form to the customer to complete and must record why the shelter attestation form was used.

41. *Earned Income*, for SNAP, verification must be obtained at application and redetermination. Acceptable verification must verify the source and amount and may include self-employment records.

DISCUSSION

In January 2026, the Respondent approved the Appellant for one month of expedited SNAP benefits, ending after January 31, 2026, and pended her ongoing eligibility for verification of shelter expenses and income. On February 4, 2026, the Respondent denied the Appellant SNAP eligibility because the Appellant failed to submit requested verifications. Later, the Respondent accepted the Appellant's statement regarding income but denied her shelter expense deduction because sufficient verification of the expense was not received. After application of the Appellant's income statement, the Respondent approved the Appellant's SNAP eligibility retroactively to February 2, 2026. The Appellant contested the Respondent's SNAP eligibility determination and argued that her benefits should not have been terminated after January 31, 2026. The Appellant argued that she attempted to comply with the Respondent's verification request and that the Respondent had a duty to assist her with obtaining necessary verification since the proof she submitted was determined insufficient.

To determine eligibility, certain information on the application must be verified. At application, the assistance group (AG) must verify shelter expenses and earned income. At the time of application, the DFA-6 *Notice of Information Needed* is provided to the applicant to notify her of information or verification she must supply to establish eligibility. When a client fails to provide necessary information, the Respondent may deny the application or close the active case, provided the client has access to such information and is physically and mentally able to provide it. The Respondent bears the burden of proof and had to demonstrate by a preponderance of evidence that sufficient *Notice of Information Needed* was provided to the Appellant. Further, to prove that the Appellant's SNAP benefits were correctly terminated after January 31, 2026, and that her ongoing eligibility was denied, the preponderance of evidence had to verify that the Appellant failed to supply requested verifications by the due date.

Notice of Verification Requirements

At the time of application, the Respondent shall provide the household with a notice that informs the household of the verification requirements that the household must meet as part of the application process. The notice shall be written in clear and simple language. At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period of time the documents should cover. Pursuant to the submitted verification check list, the Respondent requested vague proof of gross income from self-employment and proof of obligation for her mortgage expense, and did not provide language to explain types of documents the Appellant should provide or explain the period of time the documents should cover.

The evidence revealed that the Appellant attempted to comply with the Respondent's request by submitting information that the Respondent found to be insufficient. So long as the Appellant is cooperating with the verification process by providing records which she has access to, the regulations stipulate that the Respondent must assist the Appellant with obtaining information

from collateral contact whenever documentary evidence is insufficient to make a firm determination of eligibility or benefit level or cannot be obtained. Pursuant to the agency's training memo, if a client submits verification that is outdated, additional verification may be requested, or a shelter attestation form (DFA-SA-1) is acceptable for mortgage verification.

Even if the Respondent's notice had provided the minimum required information, when the Appellant supplied information and the Respondent deemed it to be insufficient, the Respondent had the authority to request a shelter attestation be completed, or to initiate collateral contact.

Termination of Eligibility

If verification is postponed, the Respondent may certify households for expedited SNAP for one month, for the month of application. There is no limit to the number of times a household can be certified under expedited procedures, as long as prior to each expedited certification, the household either completes the verification requirements that were postponed at the last expedited certification or was certified under normal processing standards since the last expedited certification.

During the hearing, the Appellant argued that the Respondent incorrectly initiated termination of her expedited SNAP benefits after January 2026, by issuing a notice to her on January 12, 2026. Pursuant to the federal regulations, the State agency may assign a one-month certification period and postpone verification requirements until the second month of participation to establish ongoing eligibility. According to the evidence, the Respondent applied a shelter deduction when approving the Appellant for \$258 in SNAP eligibility for January 2026, and pended the Appellant's ongoing eligibility after January 2026, awaiting verification of income and shelter expenses.

The submitted evidence verified that the Respondent was permitted to assign the Appellant a one-month certification, and issue the January 12, 2026, advanced notice of adverse action. However, as the Respondent erred in issuance of a sufficient written verification request so that the Appellant could comply with the postponed verification requirements, the Appellant's certification under expedited procedures should have been extended. According to the evidence, the Respondent terminated the Appellant's SNAP benefits after January 2026, and reinstated her eligibility on February 17, 2026, retroactive to February 2, 2026, without application of a shelter deduction because the Respondent deemed the Appellant's shelter verification insufficient.

Because the evidence demonstrated that the Respondent failed to supply the Appellant with sufficient notice informing her of the verification requirements to be submitted, the Respondent's decision to deny her eligibility based on the Appellant's failure to submit requested verification cannot be affirmed. The matter must be remanded for issuance of a new verification request that at minimum, contains examples of the types of documents the household should provide and [emphasis added] explains the period of time the documents should cover.

CONCLUSIONS OF LAW

- 1) The preponderance of evidence demonstrated that the Respondent's verification checklist did not explain in clear language the types of documents the Appellant should provide to verify income and shelter expenses or explain the period of time the documents should cover.
- 2) When a client fails to provide necessary information, the Respondent may deny the application or close the active case, provided the client has access to such information and is physically and mentally able to provide it.
- 3) Because the evidence demonstrated that the Respondent failed to supply the Appellant with sufficient notice informing her of the verification requirements to be submitted, the Respondent's decision to deny her eligibility based on a failure to submit requested verifications cannot be affirmed.
- 4) Because the Respondent erred in issuance of a sufficient written verification request so that the Appellant could comply with the postponed verification requirements, the Respondent's decision to terminate the Appellant's expedited SNAP benefits after January 2026 cannot be affirmed.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's decision to terminate the Appellant's SNAP eligibility after January 31, 2026, and deny her eligibility for failure to submit requested verifications. The matter is **REMANDED** for issuance of a new verification checklist in compliance with the policy, and a new determination of SNAP eligibility and allotment based on the verification obtained. It is hereby **ORDERED** that any lost SNAP benefits be retroactively restored.

ENTERED this 7th day of April 2026.

Tara B. Thompson, MLS
Certified State Hearing Officer