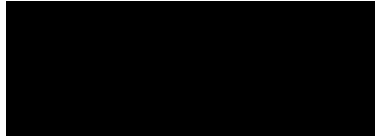




April 9, 2026



RE: [REDACTED] v. WVDoHS/BFA
ACTION NO.: 26-BOR-1429

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: Trevor Wayne, Department Representative

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

[REDACTED]
Co-Appellants,

v.

Action Number: 26-BOR-1429

**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 26, 2026, upon a timely appeal filed on March 2, 2026.

The matter before the Hearing Officer arises from the February 17, 2026 decision by the Respondent to terminate the Appellants' Supplemental Nutrition Assistance Program (SNAP) benefits for failure to complete a SNAP review, and the March 3, 2026 decision by the Respondent to approve the Appellants' SNAP reapplication based on a reduced assistance group (AG) size due to Able-Bodied Adult Without Dependents (ABAWD) time-limited eligibility.

At the hearing, the Respondent appeared by Trevor Wayne. The Appellants were self-represented. Trevor Wayne and Respondent employee Kimberly Stephens testified on the Respondent's behalf. Co-Appellant [REDACTED] testified on his own behalf. All witnesses were placed under oath, and the following documents were admitted into evidence.

EXHIBITS

Department's Exhibits:

- D-1 Screen print – ABAWDs 36 Month Tracking
 Excerpt of January 15, 2026 SNAP redetermination form
 Images of January 15, 2026 SNAP redetermination form, signed February
 9, 2026

Screen print – Case Comments
Email, dated October 15, 2025
Excerpted medical records
Email chain, dated October 15, 2025
Excerpted medical records
Email, dated February 23, 2026
Notice of decision, dated March 3, 2026
Verification checklist, dated February 20, 2026
Notice of decision, dated February 17, 2026

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 Appellants were recipients of SNAP benefits in a two-person assistance group (AG).
- 2) [REDACTED] is an Able-Bodied Adult without Dependents (ABAWD).
- 3) [REDACTED] three months of ABAWD eligibility ran from December 2025 through February 2026. (Exhibit D-1, Screen print – ABAWDs 36 Month Tracking)
- 4) The Appellant provided medical documentation to the Respondent in October 2025. (Exhibit D-1, Case Comments, October 20, 2025 entry)
- 5) The Respondent noted in comments regarding the Appellants’ case, “received screenshots for [REDACTED] of labs and after visit summaries from MyChart [sic] she states this is her medical records showing her husband cares for her [sic] there is nothing from a doctor that states she needs 24 hour care and can not [sic] care for herself in order to exempt him from [Workforce] or ABAWD [sic] does not meet WF or ABAWD exemption per verifications sent in [sic].”
- 6) The Appellants were required to complete a SNAP review in February 2026.
- 7) The Appellants were required to return their SNAP redetermination form by February 1, 2026. (Exhibit D-1, Excerpt of January 15, 2026 SNAP redetermination form)
- 8) The Appellants did not return their SNAP redetermination form by the deadline. (Exhibit D-1, Images of January 15, 2026 SNAP redetermination form, signed February 9, 2026)

- 9) The Appellants were scheduled for a SNAP eligibility interview on February 4, 2026, at 10:00 a.m. (Exhibit D-1, Excerpt of January 15, 2026 SNAP redetermination form)
- 10) The Appellants did not complete a SNAP eligibility interview on February 4, 2026. (Exhibit D-1, Screen print – Case Comments)
- 11) The Respondent mailed the Appellants a February 17, 2026 notice of decision (Exhibit D-1, Notice of decision, dated February 17, 2026) which advised the Appellants’ “SNAP benefit(s) is/are being closed,” provided the reason for the action as, “[REDACTED] did not complete an Eligibility Review,” and noted, “You will not receive this benefit after 02-28-2026.”
- 12) The Respondent requested additional information in conjunction with the Appellants’ late SNAP review on February 20, 2026. (Exhibit D-1, Verification checklist, dated February 20, 2026)
- 13) The Respondent notified the Appellants of SNAP approval in a notice dated March 3, 2026. (Exhibit D-1, Notice of decision, dated March 3, 2026)
- 14) This notice (Exhibit D-1, Notice of decision, dated March 3, 2026) listed [REDACTED] as an approved individual and [REDACTED] as a denied individual, and provided the basis for [REDACTED] exclusion from the SNAP AG as “Able Bodied Adult has received SNAP for the first 3-month period...”
- 15) The medical records (Exhibit D-1, Excerpted medical records) provided by the Appellants do not include a written statement from a doctor, physician’s assistant, nurse, nurse practitioner, designated representative of the physician’s office, or a licensed or certified psychologist verifying her incapacity.
- 16) The medical records (Exhibit D-1, Excerpted medical records) provided by the Appellants do not include documentation showing that because [REDACTED] is caring for an incapacitated person, he is unable to complete a work activity.

APPLICABLE POLICY

Code of Federal Regulations Title 7 §273.24 explains ABAWD participation in SNAP:

(a) Definitions

(1) ***Fulfilling the work requirement*** means:

- (i) Working 20 hours per week, averaged monthly; for purposes of this provision, 20 hours a week averaged monthly means 80 hours a month;
- (ii) Participating in and complying with the requirements of a work program 20 hours per week, as determined by the State agency;
- (iii) Any combination of working and participating in a work program for a total of 20 hours per week, as determined by the State agency; or

- (iv) Participating in and complying with a workfare program;
- (2) **Working** means:
 - (i) Work in exchange for money;
 - (ii) Work in exchange for goods or services (“in kind” work); or
 - (iii) Unpaid work, verified under standards established by the State agency.
 - (iv) Any combination of [paragraphs \(a\)\(2\)\(i\)](#), [\(a\)\(2\)\(ii\)](#) and [\(a\)\(2\)\(iii\)](#) of this section.
- (3) **Work Program** means:
 - (i) A program under title 1 of the Workforce Innovation and Opportunity Act (WIOA) (Pub. L.113–128);
 - (ii) A program under section 236 of the Trade Act of 1974 ([19 U.S.C. 2296](#));
 - (iii) An employment and training program operated or supervised by a State or political subdivision of a State agency that meets standards approved by the Chief Executive Office, including a SNAP E&T program under §273.7(e) excluding any job search, supervised job search, or job search training program. However, a program under this clause may contain job search, supervised job search, or job search training as subsidiary activities as long as such activity is less than half the requirement. Participation in job search, supervised job search, or job search training as subsidiary activities that make up less than half the requirement counts for purposes of fulfilling the work requirement under [paragraph \(a\)\(1\)\(ii\)](#) of this section.
 - (iv) A program of employment and training for veterans operated by the Department of Labor or the Department of Veterans Affairs. For the purpose of this paragraph, any employment and training program of the Department of Labor or Veterans Affairs that serves veterans shall be an approved work program; or
 - (v) A workforce partnership under [§273.7\(n\)](#)
- (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, except that individuals may be eligible for up to three additional countable months in accordance with [paragraph \(e\)](#) of this section.
 - (1) **Countable months.** Countable months are months during which an individual receives SNAP benefits for the full benefit month while not:
 - (i) Exempt under [paragraph \(c\)](#) of this section;
 - (ii) Covered by a waiver under [paragraph \(f\)](#) of this section;
 - (iii) Fulfilling the work requirement as defined in [paragraph \(a\)\(1\)](#) of this section;
 - (iv) Receiving benefits that are prorated in accordance with [§273.10](#); or
 - (v) In the month of notification from the State agency of a provider determination in accordance with [§273.7\(c\)\(18\)\(i\)](#).
 - (2) **Good cause.** As determined by the State agency, if an individual would have fulfilled the work requirement as defined in [paragraph \(a\)\(1\)](#) of this section, but missed some hours for good cause, the individual shall be considered to have fulfilled the work requirement if the absence from work, the work program, or the workfare program is temporary. Good cause shall include circumstances beyond the individual’s control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, or the unavailability of transportation. In addition, if the State agency grants an individual good cause under [§273.7\(i\)](#) for failure or refusal to meet the mandatory E&T requirement, that good cause determination confers good cause under this paragraph, except in the case of [§273.7\(i\)\(4\)](#), without the need for a separate good

cause determination under this paragraph. Good cause granted under [§273.7\(i\)\(4\)](#) only provides good cause to ABAWDs for failure or refusal to participate in a mandatory SNAP E&T program, and does not confer good cause for failure to fulfill the work requirement in [paragraph \(a\)\(1\)](#) of this section.

(3) **Measuring the three-year period.** The State agency may measure and track the three-year period as it deems appropriate. The State agency may use either a “fixed” or “rolling” clock. If the State agency chooses to switch tracking methods it must inform FNS in writing. With respect to a State, the three-year period:

(i) Shall be measured and tracked consistently so that individuals who are similarly situated are treated the same; and

(ii) Shall not include any period before the earlier of November 22, 1996, or the date the State notified SNAP recipients of the application of Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ([Pub. L. 104–193](#)).

(4) **Treatment of income and resources.** The income and resources of an individual made ineligible under this [paragraph \(b\)](#) shall be handled in accordance with [§273.11\(c\)\(2\)](#).

(5) **Benefits received erroneously.** If an individual subject to this section receives SNAP benefits erroneously, the State agency shall consider the benefits to have been received for purposes of this provision unless or until the individual pays it back in full.

(6) **Verification.** Verification shall be in accordance with [§273.2\(f\)\(1\)](#) and [\(f\)\(8\)](#).

(7) **Reporting.** A change in work hours below 20 hours per week, averaged monthly, is a reportable change in accordance with [§273.12\(a\)\(1\)\(viii\)](#). Regardless of the type of reporting system the State agency assigns to potential ABAWDs, the State agency must adhere to the statutory requirements of time-limited benefits for individuals who are subject to the work requirement. The State agency may opt to consider work performed in a job that was not reported according to the requirements of [§273.12](#) “work.”

(8) The State agency shall inform all ABAWDs of the ABAWD work requirement and time limit both in writing and orally in accordance with [§273.7\(c\)\(1\)\(ii\)](#) and [\(iii\)](#).

(c) **Exceptions.** The time limit does not apply to an individual if he or she is:

(1) Under 18 or 50 years of age or older;

(2) Determined by the State agency to be medically certified as physically or mentally unfit for employment. An individual is medically certified as physically or mentally unfit for employment if he or she:

(i) Is receiving temporary or permanent disability benefits issued by governmental or private sources;

(ii) Is obviously mentally or physically unfit for employment as determined by the State agency; or

(iii) If the unfitness is not obvious, provides a statement from a physician, physician’s assistant, nurse, nurse practitioner, designated representative of the physician’s office, a licensed or certified psychologist, a social worker, or any other medical personnel the State agency determines appropriate, that he or she is physically or mentally unfit for employment.

(3) Is a parent (natural, adoptive, or step) of a household member under age 18, even if the household member who is under 18 is not himself eligible for SNAP benefits;

(4) Is residing in a household where a household member is under age 18, even if the household member who is under 18 is not himself eligible for SNAP benefits;

(5) Is otherwise exempt from work requirements under section 6(d)(2) of the Food and Nutrition Act of 2008, as implemented in regulations at [§273.7\(b\)](#); or

(6) Is pregnant.

(d) *Regaining eligibility.*

(1) An individual denied eligibility under [paragraph \(b\)](#) of this section, or who did not reapply for benefits because he was not meeting the work requirements under [paragraph \(b\)](#) of this section, shall regain eligibility to participate in SNAP if, as determined by the State agency, during any 30 consecutive days, he or she:

(i) Worked 80 or more hours;

(ii) Participated in and complied with the requirements of a work program for 80 or more hours;

(iii) Any combination of work and participation in a work program for a total of 80 hours; or participated in and complied with a workfare program; or

(iv) At State agency option, verifies that the he or she will meet one of the requirements in [paragraphs \(d\)\(1\)\(i\)](#), [\(d\)\(1\)\(ii\)](#), [\(d\)\(1\)\(iii\)](#), or [\(d\)\(1\)\(v\)](#) of this section, within the 30 days subsequent to application; or

(v) Becomes exempt.

(2) An individual regaining eligibility under [paragraph \(d\)\(1\)](#) of this section shall have benefits calculated as follows:

(i) For individuals regaining eligibility by working, participating in a work program, or combining hours worked and hours participating in a work program, the State agency may either prorate benefits from the day the 80 hours are completed or from the date of application, or

(ii) For individuals regaining eligibility by participating in a workfare program, and the workfare obligation is based on an estimated monthly allotment prorated back to the date of application, then the allotment issued must be prorated back to this date.

(3) There is no limit on how many times an individual may regain eligibility and subsequently maintain eligibility by meeting the work requirement.

(e) *Additional three-month eligibility.* An individual who regained eligibility under [paragraph \(d\)](#) of this section and who is no longer fulfilling the work requirement as defined in [paragraph \(a\)](#) of this section is eligible for a period of three consecutive countable months (as defined in [paragraph \(b\)](#) of this section), starting on the date the individual first notifies the State agency that he or she is no longer fulfilling the work requirement, unless the individual has been satisfying the work requirement by participating in a work or workfare program, in which case the period starts on the date the State agency notifies the individual that he or she is no longer meeting the work requirement. An individual shall not receive benefits under this [paragraph \(e\)](#) more than once in any three-year period.

West Virginia Income Maintenance Manual Chapter 3.2.1.D.1 defines ABAWD as 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 his or her birthday. An individual is no longer an ABAWD in the month of his or her 65th birthday.

West Virginia Income Maintenance Manual Chapter 3 explains ABAWD eligibility and exemptions:

3.2.1.D.2 ABAWD Eligibility

For SNAP Assistance Groups, any individual who meets the definition of an ABAWD and who is normally required to be included in the AG can only receive benefits when he is otherwise eligible and:

- Meets the work requirements outlined below or meets an exemption listed below;
- Is in his first three-month period while not meeting the ABAWD work requirement or being exempt within the 36-month period; or
- Regains eligibility after meeting the ABAWD work requirement and is in his additional three-month period, which must be consecutive months.

3.2.1.D.3 ABAWD Work Requirement

An ABAWD must meet the following ABAWD work requirements, in addition to the SNAP work requirements in Chapter 14, to be eligible. All work hours must be verified, including in-kind services and unpaid work. As long as an ABAWD is exempt as found in the exemptions below or meets any of the requirements below, he may receive SNAP benefits, if otherwise eligible. Otherwise, he is ineligible once he has received SNAP benefits for three months without being exempt or meeting the ABAWD work requirement. The three months need not be consecutive and include SNAP benefits received from another state. The ABAWD work requirement is met by either:

- Working at least 20 hours per week or 80 hours a month;
- Participating in a work program such as, but not limited to: WorkForce Innovation and Opportunity Act (WIOA) Title I programs or a refugee resettlement program, at least 20 hours per week or 80 hours per month; or
- Participating in a SNAP E&T program for the required number of hours. Individuals who do not meet an exemption listed below and who are not participating in another program or working 20 hours per week or 80 hours in a month should be asked if they would like to be referred to the SNAP E&T program.

While a client may choose not to cooperate with the West Virginia's voluntary SNAP E&T program, a client may not opt out of the ABAWD work requirement. A client may choose to cooperate with SNAP E&T at any time. An ABAWD cannot receive a countable ABAWD month during the month in which the ABAWD is under SNAP E&T provider determination. The next month accrued is the first full month following the SNAP E&T provider determination, where the individual does not meet the ABAWD work requirement or is not exempt. DoHS will remove or add months to the ABAWD based on the information received from the DFA-SNAP-E&T-PD form.

3.2.1.D.4 Exemptions from ABAWD Time Limits and ABAWD Work Requirements

SNAP benefits received while exempt do not count toward the three-month limit. An individual is exempt if he:

- Receives SNAP benefits in a SNAP AG that contains an individual under the age of 18, even if the household member who is under 18 is not eligible for SNAP himself;

- Is responsible for the care of an incapacitated person, whether or not the person receiving the care resides with the client, and whether or not the incapacitated person is a member of the AG. The incapacity of the person must be verified through a written statement from a doctor, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, or a licensed or certified psychologist.
 - Caring for an incapacitated person must prevent the client from being able to complete a work activity. If questionable, written verification is required.
- Is receiving Unemployment Compensation Insurance (UCI). An individual who has applied for but is not yet receiving unemployment compensation is also exempt if he is complying with the unemployment application process, including those applying out of state. This includes persons receiving benefits under the Trade Readjustment Allowance (TRA);
- Is certified as physically or mentally unfit for employment according to the provisions in Section 13.15;
- Is a veteran of any United States military branch, regardless of discharge status. This includes individuals who served through the Army, Navy, Marine Corp, Air Force, Space Force, Coast Guard, National Guard, including those who served in a reserve component of the Armed Forces.
- Is pregnant, regardless of the expected date of delivery. The pregnancy must be verified;
- Is a regular participant in a drug addiction or alcoholic treatment and rehabilitation program when the participation in this program would prevent the individual from meeting the work requirement or participating in an employment/training program the required number of hours. When exempting ABAWDs due to participating in a drug addiction or alcoholic treatment and rehabilitation program, the Worker must verify the number of hours the client must commit to the program to determine if the individual is exempt;
- Is a student enrolled at least half-time in any recognized school, training program, or institution of higher education. Students enrolled at least half-time in an institution of higher education must still meet the student eligibility requirements found above to be eligible for SNAP;
- Is hired for work at least 30 hours per week;
- Is hired for work paying the equivalent of at least 30 hours times the federal minimum wage per week; or
- Is aged 24 years or younger and was in foster care on their 18th birthday. The former foster individual must have aged out of custody at the maximum allowable age. This could be older than 18 in other states. The former foster individual can receive this exemption until they turn 25 years old.
- Is meeting the definition of a homeless individual. An individual is considered homeless when they are living without shelter, residing in a shelter, sleeping in an area not designed to accommodate human beings, or have inconsistent housing. An individual who is living in a shelter, without shelter, or in an area not designed to accommodate human beings is homeless regardless of the amount of time spent in that living arrangement. After 90 consecutive days in one residence an

individual is no longer considered to have inconsistent housing and is no longer considered homeless.

- Is the recipient of a discretionary exemption through the Division of Family Assistance (DFA).

3.2.1.D.5 Determining the 36-Month Period

For all individuals, regardless of client's status or the county or state of residence, the first 36-month period began January 2016. The 36-month period remains fixed. Receiving SNAP months without being exempt or meeting the work requirement in another state counts towards the client's three-month limit in West Virginia. The worker must only count such months within the current 36-month period.

3.2.1.D.6 Determining the Three-Month Limit

Months in which the client received prorated benefits do not count toward the three-month limit. When circumstances change so that an Issuance Limited County (ILC) ABAWD, who has been exempt or meeting the requirement, is no longer meeting an exemption or the work requirement, the first full countable month of the limit would be the month of benefits after the exemption ended.

West Virginia Income Maintenance Manual Chapter 13.6.4.A states that an individual, who is age 18 or over, is considered disabled if he is unable to engage in substantial gainful employment by reason of any medically determined physical or mental impairment that can be expected to result in death, or that has lasted or can be expected to last for a continuous period of not less than 12 months.

West Virginia Income Maintenance Manual Chapter 13.15.3 states that a client who does not meet the definition of disability should be evaluated for fitness for employment for SNAP work requirement and ABAWD purposes. A client who does not meet the definition of disability and is not obviously unfit for employment will be requested to provide written verification from a licensed medical professional that the client is unfit for employment.

DISCUSSION

The Appellant has appealed the decision of the Respondent to terminate the Appellant's SNAP benefits due to SNAP review requirements and set redetermined SNAP benefits in accordance with ABAWD policy. The Respondent must show, by a preponderance of the evidence, that it correctly took these actions.

The Appellants were recipients of SNAP benefits who are required to complete regular eligibility reviews. The review process consists of both completing and submitting a review form and participating in an eligibility interview. The Respondent mailed the Appellant the SNAP redetermination form with instructions on completing and submitting the form, the deadline for the form and the appointment date and time for the eligibility interview. The Appellant did not provide the form or complete the interview, and the Respondent properly notified the Appellants that their SNAP would close at the end of February 2026 for failure to complete a review.

Additionally, [REDACTED] was an individual defined by SNAP policy as an ABAWD, or Able-Bodied Adult Without Dependents. Such individuals have time-limited receipt of SNAP benefits. [REDACTED] first three months of eligibility for SNAP without working or meeting an exemption was to end in February 2026. The Appellants provided medical documentation in October 2025 and in February 2026 when verifications were requested by the Respondent in conjunction with the Appellants' late review. The other verifications needed by the Respondent were provided and the Respondent approved SNAP benefits for the Appellants. However, the documentation submitted to show an exemption from ABAWD policy was not accepted and the Respondent approved SNAP benefits for a one-person AG, excluding [REDACTED] from SNAP eligibility as required by ABAWD policy.

The documentation provided by the Appellant does not meet the applicable verification criteria set by ABAWD policy. The documentation does not include a letter from a medical provider establishing [REDACTED] incapacity. The documentation provided suggests medical needs, but medical needs are not the same as incapacity. The documentation also lacks a statement to verify that [REDACTED] is unable to complete a work activity due to his care for an incapacitated individual. Without this documentation, the Respondent must exclude [REDACTED] from the SNAP AG as required by ABAWD policy.

Based on the reliable evidence and testimony offered at the hearing, the Respondent correctly terminated the Appellants' SNAP benefits for failure to complete an eligibility review. Additionally, upon reapplication, the Respondent correctly excluded [REDACTED] from the Appellants' SNAP AG due to his time-limited receipt of SNAP benefits without meeting ABAWD policy work requirements or exemptions.

CONCLUSIONS OF LAW

- 1) Because the Appellants did not complete a required review of SNAP eligibility, the Respondent must terminate the Appellants' SNAP benefits in the last month of their certification period.
- 2) Because [REDACTED] did not meet ABAWD policy work requirements or exemptions, he must be excluded from the Appellants' SNAP AG.
- 3) Because [REDACTED] time-limited receipt of SNAP ended the same month as his certification period, the Respondent must exclude him from the Appellants' SNAP AG upon reapplication.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's termination of the Appellants' SNAP benefits for failure to complete a review and the Respondent's establishment of the Appellants' SNAP benefits stemming from a reapplication, due to ABAWD policy.

ENTERED this ____ day of April 2026.

**Todd Thornton
State Hearing Officer**