



April 1, 2026



RE: [REDACTED] v. DoHS/BFA  
ACTION NO.: 26-BOR-1489

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,

Kristi Logan  
Certified State Hearing Officer  
Member, State Board of Review

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

cc: Angela Mitchem, [REDACTED] County DoHS

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

[REDACTED]  
**Appellant,**

**v.**

**Action Number: 26-BOR-1489**

**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 31, 2026.

The matter before the Hearing Officer arises from the March 5, 2026, decision by the Respondent to reduce the Appellant's monthly Supplemental Nutrition Assistance Program (SNAP) allotment.

At the hearing, the Respondent appeared by Harold Mitchell, [REDACTED] County DoHS. The Appellant was self-represented. The 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 is a recipient of SNAP benefits for a one-person assistance group.
- 2) In October 2025, the Appellant reported that she had moved and no longer paid shelter or utility costs.
- 3) The Appellant's SNAP benefits were reduced from \$298 to \$70 monthly, effective December 1, 2025.
- 4) Subsequent to the SNAP reduction, the Appellant's SNAP benefits were terminated for failure to complete an eligibility review.
- 5) The Appellant reapplied for SNAP benefits on March 2, 2026.
- 6) The Appellant receives \$994 monthly in Supplemental Security Income (SSI) benefits.
- 7) Prorated SNAP benefits of \$59 were approved for March 2026 and \$62 for April 2026 and ongoing.
- 8) The Appellant contests the Respondent's determination of her monthly SNAP benefits.

## APPLICABLE POLICY

Code of Federal Regulations – 7 CFR §273.9 provides information regarding SNAP income and deductions:

*(a) Income eligibility standards.* Participation in SNAP shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for SNAP. Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for SNAP. Households which are categorically eligible do not have to meet either the gross or net income eligibility standards.

(1) The gross income eligibility standards for SNAP shall be as follows:

(i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia.

(2) The net income eligibility standards for SNAP shall be as follows:

(i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be the Federal income poverty levels for the 48 contiguous States and the District of Columbia.

(3) The income eligibility limits, as described in this paragraph, are revised each October 1 to reflect the annual adjustment to the Federal income poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii.

(i) 130 percent of the annual income poverty guidelines shall be divided by 12 to determine the monthly gross income standards, rounding the results upwards as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is multiplied by 130 percent, divided by 12, and the results rounded upward if necessary.

(ii) The annual income poverty guidelines shall be divided by 12 to determine the monthly net income eligibility standards, rounding the results upward as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is divided by 12, and the results rounded upward if necessary.

(d) **Income deductions.** Deductions shall be allowed only for the following household expenses:

(1) **Standard deduction** —

(i) Effective October 1, 2002, in the 48 States and the District of Columbia, Alaska, Hawaii, and the Virgin Islands, the standard deduction for household sizes one through six shall be equal to 8.31 percent of the monthly net income eligibility standard for each household size established under [paragraph \(a\)\(2\)](#) of this section rounded up to the nearest whole dollar. For household sizes greater than six, the standard deduction shall be equal to the standard deduction for a six-person household.

(2) **Earned income deduction.** Twenty percent of gross earned income as defined in [paragraph \(b\)\(1\)](#) of this section. Earnings excluded in [paragraph \(c\)](#) of this section shall not be included in gross earned income for purposes of computing the earned income deduction, except that the State agency must count any earnings used to pay child support that were excluded from the household's income in accordance with the child support exclusion in [paragraph \(c\)\(17\)](#) of this section.

(3) **Excess medical deduction.** That portion of medical expenses in excess of \$35 per month, excluding special diets, incurred by any household member who is elderly or disabled as defined in [§271.2](#). Spouses or other persons receiving benefits as a dependent of the SSI or disability and blindness recipient are not eligible to receive this deduction but persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction.

(4) **Dependent care.** Payments for dependent care when necessary for a household member to search for, accept or continue employment, comply with the employment and training requirements as specified under [§273.7\(e\)](#), or attend training or pursue education that is preparatory to employment, except as provided in [§273.10\(d\)\(1\)\(i\)](#). Costs that may be deducted are limited to the care of an individual for whom the household provides dependent care, including care of a child under the age of 18 or an incapacitated person of any age in need of care. The costs of care provided by a relative may be deducted so long as the relative providing care is not part of the same SNAP household as the child or dependent adult receiving care. Dependent care expenses must be separately identified, necessary to participate in the care arrangement, and not already paid by another source on behalf of the household.

5) **Optional child support deduction.** At its option, the State agency may provide a deduction, rather than the income exclusion provided under [paragraph \(c\)\(17\)](#) of this

section, for legally obligated child support payments paid by a household member to or for a non-household member, including payments made to a third party on behalf of the non-household member (vendor payments) and amounts paid toward child support arrearages. Alimony payments made to or for a non-household member shall not be included in the child support deduction.

(6) ***Shelter costs*** —

(i) ***Homeless shelter deduction.*** A State agency may provide a standard homeless shelter deduction of \$143 a month to households in which all members are homeless individuals but are not receiving free shelter throughout the month. The deduction must be subtracted from net income in determining eligibility and allotments for the households.

(ii) ***Excess shelter deduction.*** Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in [paragraphs \(d\)\(1\) through \(d\)\(5\)](#) of this section have been allowed. If the household does not contain an elderly or disabled member, as defined in [§271.2 of this chapter](#), the shelter deduction cannot exceed the maximum shelter deduction limit established for the area. For fiscal year 2001, effective March 1, 2001, the maximum monthly excess shelter expense deduction limits are \$340 for the 48 contiguous States and the District of Columbia, \$543 for Alaska, \$458 for Hawaii, \$399 for Guam, and \$268 for the Virgin Islands. FNS will set the maximum monthly excess shelter expense deduction limits for fiscal year 2002 and future years by adjusting the previous year's limits to reflect changes in the shelter component and the fuels and utilities component of the Consumer Price Index for All Urban Consumers for the 12 month period ending the previous November 30. FNS will notify State agencies of the amount of the limit. Only the following expenses are allowable shelter expenses:

(iii) ***Standard utility allowances.***

(A) With FNS approval, a State agency may develop the following standard utility allowances (standards) to be used in place of actual costs in determining a household's excess shelter deduction: an individual standard for each type of utility expense; a standard utility allowance for all utilities that includes heating or cooling costs (HCSUA); and, a limited utility allowance (LUA) that includes electricity and fuel for purposes other than heating or cooling, water, sewerage, well and septic tank installation and maintenance, telephone, and garbage or trash collection. The LUA must include expenses for at least two utilities.

§273.10 Determining household eligibility and benefit levels.

(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 income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income.

(B) Multiply the total gross monthly earned income by 20 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 80 percent and add that to the total monthly unearned income, minus income exclusions.

(C) Subtract the standard deduction.

(D) If the household is entitled to an excess medical deduction as provided in [§273.9\(d\)\(3\)](#), determine if total medical expenses exceed \$35. If so, subtract that portion which exceeds \$35.

(E) Subtract allowable monthly dependent care expenses, if any, as specified under [§273.9\(d\)\(4\)](#) for each dependent.

(F) If the State agency has chosen to treat legally obligated child support payments as a deduction rather than an exclusion in accordance with [§273.9\(d\)\(5\)](#), subtract allowable monthly child support payments in accordance with [§273.9\(d\)\(5\)](#).

(G) Subtract the homeless shelter deduction, if any, up to the maximum of \$143.

(H) Total the allowable shelter expenses to determine shelter costs. Subtract from total shelter costs 50 percent 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 [paragraph \(e\)\(1\)\(i\)\(I\)](#) of this section.

(I) 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 applicable 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 two 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. If the State TANF program includes the cents in income calculations, the State agency may use the same procedures for SNAP income calculations. Whichever procedure is used, the State agency may elect to include the cents associated with each individual shelter cost in the computation of the shelter deduction and round the final shelter deduction amount. Likewise, the State agency may elect to include the cents associated with each individual medical cost in the computation of the medical deduction and round the final medical deduction amount.

**(2) *Eligibility and benefits.***

(i) (A) Households which contain an elderly or disabled member as defined in [§271.2](#), shall have their net income, as calculated in [paragraph \(e\)\(1\)](#) of this section (except for households considered destitute in accordance with [paragraph \(e\)\(3\)](#) 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.

(B) In addition to meeting the net income eligibility standards, households which do not contain an elderly or disabled member shall have their gross income, as calculated in accordance with [paragraph \(e\)\(1\)\(i\)\(A\)](#) of this section, compared to the gross monthly income standards defined in [§ 273.9\(a\)\(1\)](#) for the appropriate household size to determine eligibility for the month.

(ii) (A) Except as provided in [paragraphs \(a\)\(1\)](#), [\(e\)\(2\)\(iii\)](#) and [\(e\)\(2\)\(vi\)](#) of this section, the household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30 percent of the household's net monthly income as

calculated in [paragraph \(e\)\(1\)](#) of this section. If 30 percent of the household's net income ends in cents, the State agency shall round in one of 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 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.

(B) If the calculation of benefits in accordance with [paragraph \(e\)\(2\)\(ii\)\(A\)](#) of this section for an initial month would yield an allotment of less than \$10 for the household, no benefits shall be issued to the household for the initial month.

West Virginia Income Maintenance Manual Chapter 4 explains SNAP income eligibility and deductions:

#### **4.4.2 Income Disregards and Deductions**

Certain items may be allowed as income deductions to arrive at an AG's countable income, (even if the payment is made from assets). To receive a deduction, the expense must:

- Not be an educational expense;
- Be billed or be due during the certification period in which the deduction is claimed;
- Be obligated to be met by the AG's own resources; and
- Be owed to an individual not included in the AG to receive a deduction.

##### **4.4.2.A Effective Date of Deduction**

Some expenses cannot be anticipated or occur too late in the month to use as deductions in the following month. They are used as deductions for the first month for which a change can be made effective. When a client fails to report household expenses that would normally result in a deduction, the AG loses their entitlement to that deduction. They have a right to the expense, once it is reported and verified, if required by policy.

##### **4.4.2.B.6 Medica Expenses**

Medical expenses in excess of \$35 must be allowed as a medical deduction for AG members who are elderly, which is at least age 60, or disabled, as defined in Section 13.15. Once the medical expenses of all such AG members have been totaled, the amount of the total in excess of \$35 is used as a medical deduction. Thirty-five dollars (\$35) is deducted from the total amount of expenses for the AG, not \$35 from each person's expenses. There is no maximum dollar limit for a medical deduction.

##### **4.4.2.C.1 Standard Utility Allowance (SUA)**

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 his 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.

### **Heating/Cooling Standard (HCS)**

AGs that are obligated to pay a heating or cooling expense that is billed on a regular basis are eligible for the HCS. There does not have to be a monthly bill for heating or cooling throughout the year, just a regular bill for heating or cooling during the appropriate season.

#### **4.4.3.A Determining Eligibility**

When no AG member is elderly or disabled, the gross income must be equal to, or less than, the gross income limit in Appendix A. If so, the AG qualifies for the disregards and deductions. If the gross income exceeds the amount in Appendix A, the AG is ineligible. When at least one AG member is elderly, which is at least age 60, or disabled as specified in Section 13.15, eligibility is determined by comparing the countable income to the maximum net monthly income found in Appendix A. There is no gross income test. When the AG is Categorically Eligible as defined in Chapter 1, the gross income test is presumed to be met.

#### **4.4.3.B Determining Countable Income**

The following steps are used to determine countable income for cases meeting the eligibility tests above.

- Step 1: Combine monthly gross countable earnings and monthly gross profit from self-employment.
- Step 2: Deduct 20% of Step 1.
- Step 3: Add the gross countable unearned income, including the WV WORKS benefit and any amount reduced or being repaid to WV WORKS due to failure to comply with a program requirement. See Section 4.4.4.
- Step 4: Subtract the Standard Deduction found in Appendix B.
- Step 5: Subtract allowable Dependent Care Expenses.
- Step 6: Subtract the amount of legally obligated child support actually paid.
- Step 7: Subtract the Homeless Shelter Standard Deduction found in Appendix B.
- Step 8: Subtract allowable medical expenses in excess of \$35.
- Step 9: Calculate 50% of the remaining income and compare it to the actual monthly shelter/SUA amount.
- Step 10: If there is no elderly or disabled AG member or at least one elderly/disabled member and the Shelter/SUA expense is equal to or less than Step 9, no further computation is needed. The amount from Step 8 is the countable income. If the Shelter/SUA expense is greater than Step 9, the amount in excess of 50%, not to exceed the shelter/utility cap, in Appendix B is deducted to arrive at countable income. For households with an elderly/disable member, the amount in excess of 50% is deducted, without regard to the shelter/utility cap, in Appendix B to arrive at countable income.

Step 11: Compare the countable income to the maximum net income in Appendix A for the AG size. This net income test does not apply to Categorically Eligible AGs. See Chapter 1.

#### **4.4.3.C Determining the Amount of Benefit**

To determine the SNAP allotment, find the countable income and the maximum benefit allotment for the AG in Appendix A. One- and two-person AGs who meet the gross and net income test or who are categorically eligible, as defined in Section 1.4.17.C automatically receive the minimum SNAP benefit, unless it is a prorated benefit. No benefits are issued to any AG eligible for an initial, prorated amount less than \$10. The Worker will determine the benefit amount by using the following method. The eligibility system also uses this method:

- Multiply net income by 30% (Round up)
- Subtract 30% of net income as calculated above from the maximum monthly benefit for the AG size

### **DISCUSSION**

Pursuant to policy and federal regulations, SNAP allotments are determined by an assistance group's countable income, after all allowable deductions have been applied. The Respondent reduced the Appellant's SNAP benefits when she reported the loss of a shelter and utility expense.

The Respondent contended that the Appellant reported that she was not paying any shelter or utility expenses during the March 2026 SNAP application, therefore the previous deduction was removed. The Appellant also received a cost-of-living increase in her monthly SSI benefit, receiving \$967 monthly in 2025 and \$994 monthly, effective January 2026.

The Appellant testified that she previously had been paying \$300 a month in rent and \$100 a month for utilities when she was residing in ██████████ County. The Appellant stated she moved to ██████████ County and is currently residing in a building rent-free. The Appellant stated the building she resides in has no electricity and is heated with kerosene that she is responsible for purchasing. The Appellant testified that she also has monthly out-of-pocket medical expenses.

To determine an assistance group's SNAP allotment, the following steps found in policy are used:

\$994 gross unearned income  
- \$209 standard deduction  
= \$785 net adjusted income

Fifty percent of the remaining income is compared to the total shelter and utility costs. The Appellant did not report any shelter or utility costs at application, so no additional income deductions are applied.

Thirty percent of the net income is subtracted and is compared to the maximum SNAP allotment for the Appellant's assistance group size:

\$785 net adjusted income  
x 30%  
\$235.50 net SNAP income

The remainder is subtracted from the maximum SNAP allotment for the size of the assistance group to determine the monthly SNAP allotment:

\$298 maximum SNAP allotment  
- \$235.50 net SNAP income  
\$62.50 monthly SNAP allotment (rounded down to \$62).

The Respondent correctly calculated the Appellant's monthly SNAP allotment as \$62 based on the income and deductions allowed by policy. During the hearing, the Appellant reported paying for her heating cost of kerosene and monthly medical expenses. All expenses must be reported and verified to receive the income deduction. The Appellant will be given the opportunity to verify previously unreported expenses to determine future income deductions.

Whereas the Respondent correctly calculated the Appellant's monthly SNAP allotment based on an increase in unearned income and the loss of shelter and utility expenses that was reported at application, the reduction in the Appellant's SNAP benefits is affirmed.

### **CONCLUSIONS OF LAW**

- 1) SNAP allotments are determined by an assistance group's countable income, after all income deductions have been applied.
- 2) The Appellant's SSI benefit increased from \$967 to \$994.
- 3) The Appellant reported no shelter or utility expenses during the March 2026 SNAP application.
- 4) The Respondent correctly calculated the Appellant's SNAP benefits based on her countable net income.
- 5) The Appellant will be afforded the opportunity to verify her heating expenses and medical expenses for additional income deductions.

**DECISION**

It is the decision of the State Hearing Officer to **uphold** the Respondent's determination of the Appellant's monthly Supplemental Nutrition Assistance Program allotment.

**ENTERED this 1<sup>st</sup> day of April 2026.**

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**Kristi Logan**  
**Certified State Hearing Officer**