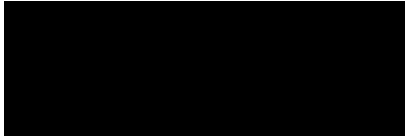




April 8, 2026



RE: [REDACTED] v. WV DoHS
ACTION NO.: 26-BOR-1539

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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

cc: Lisa Ward, WV DoHS
Pam Trickett, WV DoHS

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

Appellant,

v.

Action Number: 26-BOR-1539

**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 April 1, 2026.

The matter before the Hearing Officer arises from the January 16, 2026, decision by the Respondent to terminate Supplemental Nutrition Assistance Program (SNAP) benefits and the March 12, 2026, decision by the Respondent to deny SNAP benefits.

At the hearing, the Respondent appeared by Monica Emery, Economic Service Worker, WV DoHS. The Appellant was self-represented. The witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 SNAP Work Rules Notice dated October 22, 2025
- D-2 Doctor's Note for Work Exemption e-mailed to Respondent on November 26, 2025
- D-3 Case Comments from Respondent's computer system (undated)
- D-4 Pages from Appellant's SNAP 6 or 12-Month Contact Form (PRC-2) (signed on February 18, 2026)
- D-5 Case Comments from Respondent's computer system dated March 11, 2026
- D-6 Notice of Decision dated March 12, 2026
- D-7 West Virginia Income Maintenance Manual Chapter 3.2.1.D.1
- D-8 West Virginia Income Maintenance Manual Chapter 3.2.1.D.4
- D-9 West Virginia Income Maintenance Manual Chapter 13.6.4.A
- D-10 West Virginia Income Maintenance Manual Chapter 13.15.3
- D-11 Notice of Decision dated January 16, 2026

Appellant's Exhibits:

A-1 Statement from [REDACTED] D.O., [REDACTED] (undated)

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) The Appellant was a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) The Respondent sent the Appellant a SNAP Work Rules notice on October 22, 2025, informing her of work regulations and of the Able-Bodied Adults Without Dependents (ABAWD) Time Limit Rules (Exhibit D-1).
- 3) The Appellant submitted medical documentation for a potential work program/ABAWD exemption on November 26, 2025 (Exhibit D-2).
- 4) The Return to Work statement provided by the Appellant indicates that the Appellant was admitted to [REDACTED] Hospital from November 19, 2025, to November 20, 2025 (Exhibit D-2).
- 5) The medical documentation provided by the Appellant does not list any work restrictions (Exhibits D-2 and D-3).
- 6) The Respondent sent the Appellant a Notice of Decision on January 16, 2026, indicating that her SNAP benefits would stop effective February 2026 because she is an ABAWD who received SNAP for the first three-month period without meeting a work requirement or a work requirement exemption (Exhibit D-11).
- 7) The Respondent sent the Appellant a SNAP 6 or 12-Month Contact Form dated January 12, 2026 (Exhibit D-4) .
- 8) The Appellant contacted the Customer Service Center in February 2026, alleging she had not received the SNAP 6 or 12-Month Contact Form. She submitted the form to the Respondent after receiving a copy on February 18, 2026 (Exhibit D-4).
- 9) The Respondent processed the SNAP 6 or 12-Month Contact Form on March 11, 2026, and SNAP benefits were denied based on failure to meet ABAWD work or exemption requirements (Exhibit D-5).

- 10) The Respondent sent the Appellant a Notice of Decision on March 12, 2026, informing her that SNAP benefits were denied based on failure to meet ABAWD work or exemption requirements (Exhibit D-6).
- 11) The Appellant submitted a fair hearing request on March 12, 2026, and subsequently submitted as evidence an undated statement from [REDACTED] D.O., [REDACTED] indicating that she “has complex medical issues making her unable to work full time, at this time” (Exhibit A-1).

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

Policy states an individual who meets the definition of an ABAWD must be working at least 20 hours per week, or 80 hours per month, or meet an exemption to receive SNAP benefits. An ABAWD may receive three months of SNAP benefits during a 36-month period without compliance with work requirements or meeting an exemption. 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.

The Appellant testified that she received no information from the Respondent that the medical documentation she submitted in November 2025 failed to meet ABAWD work exemption requirements. She contended that she did not receive the January 16, 2026, Notice of Decision informing her that SNAP benefits would be terminated effective February 2026 based on failure to meet ABAWD work requirements or an exemption. In addition, she stated that she did not receive her SNAP 6 or 12-Month Contact Form (which was dated prior to her SNAP termination notice) until she contacted the Customer Service Center in February 2026 and inquired about the form. The Appellant testified that she assumed the documentation she provided to the Department in November 2025 had met medical exemption requirements and does not believe she should have to reapply for SNAP benefits. The Appellant testified that she just moved to West Virginia in August 2025 and was unaware of the Department's policies and procedures.

The Respondent's representative, Monica Emery, testified that a statement provided by the Appellant as hearing evidence from [REDACTED] D.O., could exempt the Appellant from ABAWD work requirements; however, the Appellant must reapply for SNAP benefits since her case had closed. It should be noted that the statement provided from [REDACTED] D.O., is undated and only indicates that the Appellant cannot work "full-time." The Appellant's capacity for part-time work is not addressed in the documentation.

While the Appellant's concerns are noted, the Respondent's decision to terminate SNAP benefits effective February 2026 is affirmed since medical documentation provided in November 2025 did not indicate that the Appellant had work limitations and the Respondent sent proper notification of case closure in January 2026. The Respondent's decision to deny SNAP benefits following receipt of the SNAP 6 or 12-Month Contact Form is also affirmed since the Appellant had not yet submitted sufficient documentation to receive a medical exemption for ABAWD requirements.

CONCLUSIONS OF LAW

- 1) An individual who meets the definition of an ABAWD must be working at least 20 hours per week, or 80 hours per month, or meet an exemption to receive SNAP benefits.
- 2) The Appellant meets the definition of an ABAWD and must comply with ABAWD work requirements or meet an exemption.
- 3) In November 2025, the Appellant submitted medical documentation to the Respondent which listed no work restrictions.
- 4) The Respondent correctly terminated the Appellant's SNAP benefits and sent the Appellant notification on January 16, 2026, that SNAP benefits would be terminated effective February 2026 based on failure to meet ABAWD requirements.
- 5) The Respondent correctly denied the Appellant's SNAP benefits when it processed her SNAP 6 or 12-Month Contact form on March 11, 2026, as there was no documentation to support an ABAWD medical exemption.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to terminate the Appellant's SNAP benefits effective February 2026 and deny SNAP benefits in March 2026 following the receipt of a SNAP 6 or 12-Month Contact Form.

ENTERED this 8th day of April 2026.

**Pamela L. Hinzman
State Hearing Officer**