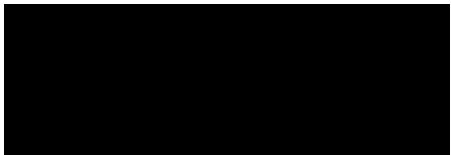




April 23, 2026



RE: [REDACTED] v. WV DoHS
ACTION NO.: 26-BOR-1564

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 Health and Human Resources. 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: Stephanie Baker, WV DoHS

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

[REDACTED]
Appellant,

v.

Action Number: 26-BOR-1564

**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 West Virginia Office of Inspector General Common Chapters Manual. This fair hearing was convened on April 15, 2026.

The matter before the Hearing Officer arises from the Respondent's reduction/calculation of the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits as outlined in a Notice of Decision dated February 13, 2026.

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

Department's Exhibits:

- D-1 SNAP Budget information from Respondent's computer system (determination date-February 12, 2026)
- D-2 SNAP Budget information from Respondent's computer system (determination date-December 10, 2025)
- D-3 Notice of Decision dated February 13, 2026
- D-4 Notice of Decision dated December 11, 2025

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 Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) On February 13, 2026, the Respondent notified the Appellant that his SNAP allotment would decrease from \$170 to \$153 per month effective March 2026 due to an increase in income (Exhibit D-3).
- 3) The Appellant is a one-person Assistance Group (AG) for SNAP purposes (Exhibit D-1).
- 4) The Appellant has gross unearned Social Security income of \$1,418 per month (Exhibit D-1).
- 5) The Appellant's previous gross unearned income was \$1,379 per month (Exhibit D-2)
- 6) Based on information in the Appellant's case, the Respondent counted \$812.66 per month in shelter deductions for mortgage and homeowner's insurance (mortgage of \$586 per month plus homeowner's insurance of \$226.66 per month) (Exhibit D-1).
- 7) The Appellant is eligible for the maximum utility standard of \$518 per month (Exhibit D-1).

APPLICABLE POLICY

7 Code of Federal Regulations Section 273.10, states, in part:

- (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.

West Virginia Income Maintenance Manual Chapter 4, Appendix B, states that the Standard Deduction for SNAP is \$209 for Assistance Groups of one to three people.

West Virginia Income Maintenance Manual Chapter 4, Appendix B, states that the Heating/Cooling Standard Deduction for SNAP is \$518 per month.

West Virginia Income Maintenance Manual Chapter 4.4.2.C states:

Items considered in arriving at shelter expenses are the continuing amounts of:

- Rent. Security or damage deposits are not shelter expenses.
- Mortgage payments. This includes second mortgages and home equity loans and any other loans for which the dwelling is used as collateral.
- Interest on mortgage payments.
- Condominium and association fees, regardless of purpose for the fees.
- Payments to an escrow account established to pay property taxes and homeowner's insurance.
- Property taxes and special tax assessments on the structure and lot required by State or local law. This does not include assessments such as police and fire fees, unless the fee is based on property valuation.
- Insurance on the structure and lot. This does not include insurance on furniture or personal belongings. If the insurance cost on the structure and the cost on the personal belongings/furniture cannot be identified separately, the entire insurance payment is allowed.
- Cost of repairing the home that was damaged or destroyed due to a natural disaster or misfortune including, but not limited to, fire, flood, or freezing temperatures. This

does not include charges that will be or have been reimbursed from any source such as insurance, private agency, etc.

- A car payment when a homeless AG lives in their vehicle.
- Insurance on the vehicle itself when a homeless AG lives in their vehicle.

West Virginia Income Maintenance Manual Chapter 4.4.2.C.1 addresses Standard Utility Allowances (SUAs):

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. AGs that are not obligated to pay any utility expense are ineligible for the SUA, even if other residents pay utility expenses. Eligibility for the SUA must be evaluated at certification, redetermination, and when the AG reports a change in utilities that may affect its eligibility for a deduction.

Items that are considered utilities include, but are not limited to:

- Water, including well installation and maintenance
- Liquefied Petroleum Gas (LP or LPG) or natural gas
- Wood, wood pellets, coal, and heating oil
- Electricity
- Sewage, including septic tank system installation and maintenance
- Garbage collection
- Solar Unit
- The basic rate for one telephone, either landline or cellular service, but not both. Basic rates include, but are not limited to, taxes, wire maintenance fees, subscriber line charges, relay center surcharges, and 911 fees. It does not include extra services such as, call-waiting, caller ID, etc.

Items not considered utilities include, but are not limited to:

- Cable/digital/satellite television service
- Internet service
- Utility deposits
- Pre-paid cell phones

To be eligible for the HCS, the AG must meet the following criteria.

- Heating or Cooling Costs

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. To qualify for the HCS, the heating or cooling expenses must be for the primary source of heating or cooling. Heating expenses include, but are not limited to, the cost of electricity, gas, oil, coal, wood, wood pellets, and kerosene. Heating costs include only the fuel, and not related costs. Related expenses are those necessary to obtain the fuel or to operate the unit, such as electricity to run a gas furnace. Cooling expenses for the operation of air conditioning systems or room air conditioners are allowable expenses. Fans are not considered air conditioners and are not an allowable expense. Primary Heating Source Example: The use of electric space heaters by an AG whose primary source of heat is free gas, does not qualify the AG for the HCS. Related Expense Example: A client uses free firewood for heat but must pay for delivery. The delivery expense alone does not qualify the AG for the HCS.

West Virginia Income Maintenance Manual Chapter 4, Appendix B, states that the current HCS is \$518 per month.

West Virginia Income Maintenance Manual Chapter 4.4.3.C states that to determine the SNAP allotment, find the countable income and the maximum benefit allotment for the AG in Appendix A.

DISCUSSION

Policy states that allowable deductions for SNAP benefits include the earned income disregard of 20 percent, the Standard Deduction, the dependent care deduction, the child support deduction, the Homeless Shelter Standard Deduction, medical expenses for the elderly and/or disabled, shelter expenses, and the Standard Utility Allowance (SUA).

The Appellant testified that his \$17 SNAP benefit reduction may not seem like a large decrease, but the difference could equate to three evening meals. He did not dispute the amount of his Social Security income but questioned the Respondent's calculations concerning his shelter and utility expenses. The Appellant testified that his mortgage has decreased to \$518 per month but will increase again, and that he pays homeowner's insurance and flood insurance. He was uncertain about whether he had previously reported the flood insurance expense to the Department.

Stephanie Baker, Economic Service Worker Senior, testified that the Respondent was counting a mortgage payment of \$586 per month for the Appellant plus an average homeowner's insurance payment of \$226.66 per month. Ms. Baker indicated that there is no indication of flood insurance in the Appellant's case. The Appellant is receiving the maximum SUA deduction.

Based on information available to the Respondent at the time of the March 2026 SNAP reduction, the Appellant's SNAP benefits were calculated as follows:

\$1,418 per month (gross income) - \$209 (standard deduction) = \$1,209 adjusted income.

Shelter costs of \$812.66 + Utility Standard of \$518 = \$1,330.66 (total shelter/utility costs).

Shelter/utility costs of \$1,330.66 - \$604.50 (50% of adjusted income) = \$726.16 (excess shelter costs).

\$1,209 (adjusted income) - \$726.16 (excess shelter costs) = \$482.84 net adjusted income

The maximum SNAP allotment per month for one person (\$298) - 30% of adjusted income (\$144.85) = \$153 SNAP entitlement.

The Appellant's calculation of the Appellant's SNAP benefits for March 2026 is affirmed. The Respondent should, however, verify updated shelter/utility expense information provided by the Appellant during the hearing.

CONCLUSIONS OF LAW

- 1) The Appellant's SNAP benefits decreased effective March 2026 due to an increase in unearned income.
- 2) The Appellant did not dispute the amount of his income.
- 3) The Respondent's calculation of SNAP benefits is correct based on SNAP deduction information in the Appellant's case file for March 2026.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's reduction/calculation of the Appellant's SNAP allotment effective March 2026. The Respondent should take action to verify updated shelter/utility expense information provided by the Appellant during the hearing.

ENTERED this 23rd day of April 2026.

**Pamela L. Hinzman
State Hearing Officer**