



April 15, 2026

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA  
ACTION NO.: 26-BOR-1566

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,

Lori Woodward, J.D.  
Certified State Hearing Officer  
Member, State Board of Review

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

cc: Katrina Mercer, WV DoHS/BFA

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



**Appellant,**

v.

**ACTION NO.: 26-BOR-1566**

**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] [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 8, 2026.

The matter before the Hearing Officer arises from the March 10, 2026, determination by the Respondent regarding Supplemental Nutrition Assistance Program (SNAP) allotment.

At the hearing, the Respondent appeared by Katrina Mercer, Economic Service Worker Senior. The Appellant was self-represented. The witnesses were placed under oath and the following documents were admitted into evidence:

**Department's Exhibits:**

None\*

\* It was discovered at the end of the hearing that the Appellant had not received the exhibits sent by the Respondent on March 24, 2026, to the address of record. Thus, the Respondent's exhibits were not allowed into the record

**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.
- 2) The Respondent received an email from the Appellant on January 13, 2026, regarding the discontinuation of her unemployment benefits.
- 3) The Respondent included the loss of the Appellant's unemployment income into the Appellant's SNAP calculations beginning February 2026. An auxiliary SNAP benefit for February was issued to the Appellant.
- 4) On February 9, 2026, the Appellant verbally reported a change in address and was informed by the Respondent's worker that she needed to submit verification of her rent obligation along with the name and telephone number of her landlord.
- 5) On February 9, 2026, the Respondent's worker issued another Periodic Review Contact form (PRC2) to the Appellant to her new address.
- 6) On February 18, 2026, the Appellant emailed her shelter verification which included her landlord's name and the monthly rent amount, but not her landlord's telephone number.
- 7) On February 18, 2026, the Respondent received the Appellant's completed PRC2 form, however, pended her case for verification of her rent expense. A verification request for the amount of the Appellant's rent obligation, including the name and telephone number of the landlord, was issued on February 24, 2026, which was due by March 6, 2026.
- 8) On March 10, 2026, the Appellant submitted verification of her rent amount along with the landlord's name but did not include the landlord's telephone number.
- 9) On March 17, 2026, the Appellant submitted verification of her rent amount and the name and telephone number of her landlord.
- 10) The Respondent included the Appellant's shelter expense deduction in the calculation of the Appellant's SNAP benefits beginning April 2026.
- 11) The Appellant is not in a work requirement penalty.

## APPLICABLE POLICY

**Code of Federal Regulations 7 CFR 273.2(f)(2)(i)**, in part:

The State agency shall verify, prior to certification of the household, all other factors of eligibility which the State agency determines are questionable and affect the household's eligibility and benefit level. The State agency shall establish guidelines to be followed in determining what shall be considered questionable information. These guidelines shall not prescribe verification based on race, religion, ethnic background, or national origin. These guidelines shall not target groups such as migrant farmworkers or American Indians for more intensive verification under this provision.

**Code of Federal Regulations 7 CFR § 273.2(f)(5)(i), in part:**

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

**Code of Federal Regulations 7 CFR 273.2(h)(1)(i)(C):**

In cases where verification is incomplete, the State agency must have provided the household with a statement of required verification and offered to assist the household in obtaining required verification and allowed the household sufficient time to provide the missing verification. Sufficient time shall be at least 10 days from the date of the State agency's initial request for the particular verification that was missing.

**Code of Federal Regulations 7 CFR 273.12(a)(4)(v), in part:**

If the household fails to provide sufficient information or verification regarding a deductible expense, the State agency will not terminate the household, but will instead determine the household's benefits without regard to the deduction.

**WV Income Maintenance Manual (WV IMM) Chapter 7, §7.2.1, When Verification Is Required, in part:**

Verification of a client's statement is required when:

- Policy requires routine verification of specific information.
- The information provided is questionable. To be questionable, it must be:
  - Inconsistent with other information provided; or
  - Inconsistent with the information in the case file; or
  - Inconsistent with information received by the Department of Human Services (DOHS) from other sources; or
  - Incomplete; or
  - Obviously inaccurate; or
  - Outdated.
- Past experience with the client reveals a pattern of providing incorrect information or withholding information. A case recording must substantiate the reason the Worker questions the client's statement.
- The client does not know the required information.

**WV IMM Chapter 7, §7.3.25, Shelter Expenses, in part:**

Verification for shelter expenses for SNAP applications and redetermination, or when an individual reports a change of shelter expense. **Acceptable verification must include the name and phone number of the landlord, the obligation amount, and the actual paid amount.** Shelter expense verifications do not require a landlord's signature. Acceptable verification is not limited to any single type of document and is obtained from the household or other source. When the customer

cannot obtain information from a primary source of verification, the worker can then accept a secondary source. When a customer cannot obtain any verification of shelter expense, it is necessary for the worker to obtain a shelter attestation form from the customer. If a lease or rental agreement provided by the customer is older than 1 year, the customer must also complete a shelter attestation form. The worker must provide or mail the shelter attestation form to the customer to complete and must record why the shelter attestation form was used. Primary Sources of Verification:

- Current lease/rental agreements within 1 year of the application/review date
- Document on official letterhead from an office or agency. This includes offices or agencies working on behalf of the landlord
- HUD contracts/renewals Secondary Sources of Verification
- Handwritten notes/letters
- Rent receipts/Money Orders

[Emphasis added]

**WV IMM Chapter 7, §7.2.3, Client Responsibilities, in part:**

The primary responsibility for providing verification rests with the client. It is an eligibility requirement that the client cooperate in obtaining necessary verifications, with an exception being that a client must never be asked to provide verification that he is or is not either a fleeing felon or a probation/parole violator. The client is expected to provide information to which he has access and to sign authorizations needed to obtain other information. Failure of the client to provide necessary information or to sign authorizations for release of information results in denial of the application or closure of the active case, provided the client has access to such information and is physically and mentally able to provide it.

**WV IMM Chapter 10, §10.4.2, Client Reporting Requirements, in part:**

All SNAP assistance groups (AGs) must report changes related to eligibility and benefit amount at application and redetermination. SNAP AGs are subject to limited reporting requirements, and the reporting requirements in this section apply to recipient AGs only. ... When reported information results in a change in benefits and additional or clarifying information is needed, the Worker must first request the information by using the DFA-6 or verification checklist. If the client does not provide the information within the time frame specified by the Worker, the appropriate action is taken after advance notice. Each reported change is evaluated independently for the appropriate action to be taken. When a reported change results in the change of the certification period, the client must receive advance notice of the change. NOTE: Shelter deductions must be verified at application, redetermination, and after a reported change. If the reported change is not verified, no shelter deduction is allowed. The table below is not a comprehensive list of examples. This table does NOT apply to processing of the interim contact report (PRC2) form.

...

When the reported change is a change in shelter expense and the verification is not returned, benefits are determined without the deduction.

**WV IMM Chapter 10, §10.4.3.A.1, Addition of an AG Member or a Decrease in Income of \$125 or More, in part:**

The change must be effective no later than the month following the month in which the change is reported. When the change is reported after the system deadline, supplemental benefits must be issued and received by the 10th of the following month.

**WV IMM Chapter 10, §10.4.3.A.2, All Other Changes, in part:**

For all other changes that result in an increase in benefits, except those described in Increase in Benefits above, changes are made as follows.

- If the next issuance date is more than 10 days after the date the change is reported, the change is effective the month following the report month.
- If the next issuance date is within 10 days of the date the change is reported, the change is effective two months after the report month. The ten-day period includes the date of the report and takes the staggered benefit issuance date into consideration.

**WV IMM Chapter 14, 14.3.1.A Registration Requirements, in part:**

All individuals must register for employment with WorkForce West Virginia, within 30 days of the date of the original approval, unless exempt according to Section 14.2. Clients must register every 12 months thereafter, regardless of the length of time that WorkForce West Virginia considers the registration valid.

**DISCUSSION**

The Appellant is a recipient of SNAP benefits who had been receiving unemployment benefits. On January 13, 2026, the Respondent received an email from the Appellant regarding the end of her unemployment benefits. On February 9, 2026, the Respondent's worker spoke to the Appellant about the loss of her unemployment benefits. At that time, the Appellant also reported a change of address. The Respondent's worker explained to the Appellant that a new lease would be needed, printed a copy of the Appellant's PRC2 which was mailed to her old address, and mailed the copy of the PRC2 to the Appellant's new address.

On February 18, 2026, the Respondent received an emailed copy of the Appellant rent obligation and the name of her landlord but no telephone number for the landlord was included. Also, on February 18, 2026, the Respondent received the Appellant's completed PRC2. On February 24, 2026, a verification request was sent to the Appellant instructing her to submit a copy of her lease agreement which showed the rent amount obligation along with the landlord's name and telephone number, which was due by March 6, 2026.

On March 17, 2026, the Respondent received the complete requested rent expense verification and issued the Appellant's SNAP benefits reflecting the shelter expense deduction beginning April 2026, pursuant to policy.

The Appellant believes that because she had reported the loss of her unemployment income in December 2025, the loss of income should be reflected in her January 2026 SNAP allotment. The Appellant testified that she notified the Respondent via a telephone call in December 2025. The

Appellant contended that she received a copy of the call log from her telephone provider showing she called the Respondent in December 2025. It is noted that a record of calls made to a specific number does not reflect the substance of the call and would not be demonstrative of what the Appellant is asserting.

The Respondent's representative, Katrina Mercer, testified that there is no record of the Appellant reporting the loss of her unemployment income in December 2025. However, there was a record of the Appellant's email of January 13, 2026, reporting her loss of unemployment income. Ms. Mercer explained that because the Appellant's January 2026 SNAP had already been issued, the loss of the Appellant's unemployment income was effective as of February. An auxiliary SNAP benefit allotment for February 2026 was issued to reflect the loss of the Appellant's income. It is noted that Ms. Mercer also testified that an auxiliary SNAP allotment for the month of March 2026 was issued which reflected the loss of the Appellant's income.

The Appellant also argued that the shelter expense should have been used retroactively for calculating her February and March benefits. However, the Appellant failed to provide the requested information regarding her rent until March 17, 2026. Pursuant to policy, when an individual reports a change of shelter expense, verification of the obligation amount to include the name and telephone number of the landlord must be submitted. If the requested verification is not provided, then the expense will be disallowed. As the Appellant did not submit the complete verification requested until March 17, 2026, the Respondent correctly excluded the shelter expense in calculating her February and March benefits and included the shelter expense beginning the month of April.

The Appellant also questioned Ms. Mercer regarding a voice message about a work requirement penalty. Ms. Mercer explained that the Appellant had a work requirement penalty for not registering with WorkForce West Virginia (WFWV) prior to her receiving unemployment benefits. However, once the Appellant began receiving unemployment benefits, this penalty had been suspended as it was considered an exemption. However, once the Appellant's unemployment benefits ended, she no longer met an exemption and the work requirement penalty was due to be reinstated. Ms. Mercer stated that she left a voice message informing the Appellant on how to comply with WFWV registration to stop the penalty from being reinstated. The Appellant believed that she should not have to re-register with WFWV as she had registered in October of 2024. Policy requires SNAP recipients to register with WFWV every 12 months if no exemption is met. Ms. Mercer testified that the work requirement penalty was no longer in effect against the Appellant.

### **CONCLUSIONS OF LAW**

- 1) Per policy, a report of a decrease in income of more than \$125 after the system deadline, it becomes effective the month following the month of the reported loss.
- 2) On January 13, 2026, the Respondent received the Appellant's emailed report of the loss of her unemployment benefits, which was after the system deadline as her January 2026 SNAP benefits had been issued.

- 3) The Respondent correctly applied the January 2026 reported loss of income for the calculation of the Appellant's SNAP benefit allotment beginning February 2026.
- 4) Per policy, at each application and redetermination, or when an individual reports a change of shelter expense, verification is required. If the requested verification is not provided, then the expense will be disallowed.
- 5) On February 24, 2026, the Respondent issued a request for verification of the Appellant's new shelter expense obligation, including the name and telephone number of her landlord, which was due by March 6, 2026.
- 6) The Appellant returned the completed shelter verification on March 17, 2026.
- 7) Per policy, the Appellant's expense deduction is effective the following month of the report.
- 8) The Respondent correctly included the Appellant's shelter costs in calculating her monthly SNAP benefit allotment beginning the month of April 2026.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to apply the loss of the Appellant's unemployment income beginning February 2026, and to allow the Appellant's shelter expense to be used in calculating her SNAP benefits beginning April 2026.

**ENTERED this 15<sup>th</sup> day of April 2026.**

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Lori Woodward, Certified State Hearing Officer