



May 28, 2026

[REDACTED]

RE: [REDACTED] v. WV DoHS
ACTION NO.: 26-BOR-1745

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: Angela Allen, WV DoHS

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

[REDACTED],

Appellant,

v.

Action Number: 26-BOR-1745

**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 May 20, 2026.

The matter before the Hearing Officer arises from the February 17, 2026, decision by the Respondent to terminate Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Angela Allen, Economic Services Supervisor, 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 West Virginia Income Maintenance Manual Chapter 3.2.1.D
- D-2 Case Benefit Summary from Respondent's computer system
- D-3 ABAWDs 36 Month Tracking information from Respondent's computer system
- D-4 Case Comments from Respondent's computer system

Appellant's Exhibits:

- A-1 Notice of Decision dated August 25, 2025
- A-2 SNAP and Medicaid/WV CHIP review form dated September 25, 2025
- A-3 Notification of SNAP telephone interview appointment dated October 8, 2025
- A-4 Printout of Appellant's SNAP review form from in-office review dated October 14, 2025
- A-5 WorkForce West Virginia status information
- A-6 SNAP Work Rules Notice dated October 15, 2025
- A-7 Notice of Decision dated October 17, 2025

- A-8 Notice of Decision dated October 24, 2025
- A-9 Notice of Decision dated February 17, 2026
- A-10 Fair Hearing Request Form submitted by Appellant on April 8, 2026
- A-11 ABAWD Time Limit Rules dated October 15, 2025
- A-12 Case Comments from Respondent's computer system with Appellant's notes
- A-13 School Enrollment information from Respondent's computer system and copy of Appellant's diploma from [REDACTED]
- A-14 West Virginia Income Maintenance Manual Chapter 3, Pages ix and x
- A-15 WorkForce West Virginia activity information

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 review form on September 25, 2025 (Exhibit A-2).
- 3) The Appellant completed the SNAP review form and submitted it to the Respondent on September 29, 2025 (Exhibit A-2).
- 4) At the time of the review, the Appellant was age 54 (Exhibit A-2).
- 5) The Appellant has no telephone service and completed the SNAP redetermination interview at the [REDACTED] County DoHS Office on October 14, 2025. At that time, a Department worker explained ABAWD policy requirements to the Appellant (Exhibits D-4 and A-4).
- 6) The Respondent sent the Appellant a SNAP Work Rules notice on October 15, 2025, informing her of work regulations and of the Able-Bodied Adults Without Dependents (ABAWD) Time Limit Rules (Exhibits A-6 and A-11).
- 7) The SNAP Work Rules notice indicates that the Appellant must register with WorkForce West Virginia by November 13, 2025 (Exhibit A-6).
- 8) The Appellant provided her WorkForce West Virginia registration to the Respondent on October 14, 2025 (Exhibit A-5).
- 9) The SNAP Work Rules notice states on Page 3 of 8 that the Appellant must follow ABAWD Time Limit Rules by working, participating in a job program or similar activity through DoHS, or volunteering at least 80 hours per month. The Notice also states that the

ABAWD Time Limit Rules apply to individuals between the ages of 18 and 54 and lists possible ways to meet an exemption from the ABAWD rules (Exhibits A-6 and A-11).

- 10) As a result of changes in federal guidelines, the ABAWD Time Limit Rules expanded to include individuals ages 55 to 65 effective November 2025 (Exhibit A-14).
- 11) The Appellant received SNAP benefits for the months of December 2025, January 2026, and February 2026 (Exhibit D-3).
- 12) The Respondent sent the Appellant a Notice of Decision on February 17, 2026, indicating that her SNAP benefits would be terminated effective March 2026 because she had received SNAP for the first three-month period without meeting the ABAWD work requirement or being exempt (Exhibit A-9).
- 13) The Appellant visited the Respondent's office on February 20, 2026, to address questions regarding the ABAWD requirement. At that time, the Respondent reviewed potential exemptions with the Appellant (Exhibit D-4).
- 14) An August 25, 2025, Notice of Decision sent to the Appellant indicates that the Appellant's SNAP benefits would increase effective October 2025, and addresses the ABAWD policy. The notice states that if an individual is affected by the ABAWD 36-month tracking policy, the tracking period would be stated after the individual's name. This section lists the Appellant's name but specifies no dates for a 36-month tracking period (Exhibit A-1).
- 15) An October 24, 2025, Notice of Decision sent to the Appellant indicates that the Appellant was certified for SNAP benefits effective November 1, 2025. The letter states that "the following is the list of individuals who are eligible for this benefit... If they are affected by the Able-Bodied Adults Without Dependents (ABAWD) 36-month tracking policy, the tracking period will be stated after their name." There is no name or tracking period listed on the notification (Exhibit A-8).
- 16) The Appellant turned 55 years old on May 3, 2026.

APPLICABLE POLICY

U.S. Department of Agriculture (USDA) Supplemental Nutrition Assistance Program (SNAP) Provisions of the One Big Beautiful Bill Act of 2025 – ABAWD Exceptions – Implementation Memorandum dated October 3, 2025, states:

On July 4, 2025, President Donald J. Trump signed into law the historic One Big Beautiful Bill Act of 2025 (OBBA). On September 5, 2025, the Food and Nutrition Service (FNS) published a memorandum describing the SNAP provisions of the OBBA, *Supplemental Nutrition Assistance Program Provisions of the One Big Beautiful Bill Act of 2025 – Information Memorandum*.

This memorandum provides State agencies additional information on implementing Section 10102(a) of the OBBB, which changes exceptions from the Able-Bodied Adults Without Dependents (ABAWD) time limit.

Modification of ABAWD Time Limit Exceptions

The OBBB modifies the ABAWD time limit exceptions at Section 6(o)(3) of the Food and Nutrition Act of 2008 (the Act). Throughout this document, “modified exception criteria” refers to the ABAWD exception criteria, as amended by the OBBB.

Increase of the Upper Age Limit

Prior to passage of OBBB, individuals aged 18 to 54 were subject to the ABAWD time limit. The OBBB increases the age of those subject to the time limit to age 64. Therefore, individuals aged 18 to 64 are now subject to the time limit, unless they meet another exception.

The OBBB does not change the upper age limit for the general work requirements at Section 6(d)(3) of the Act. Individuals aged 60 or older remain exempt from the general work requirements, including mandatory participation in SNAP Employment and Training (E&T).

The OBBB also does not impact the definition of “elderly” in Section 3(j) of the Act. Individuals age 60 or older continue to be defined as “elderly” for SNAP purposes. Therefore, State agencies must continue to apply other policies for elderly individuals to those aged 60 or older, such as the availability of excess medical deduction and the lack of a cap on excess shelter deduction.

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. Individuals fulfill the ABAWD work requirement when they work and/or participate in an allowable ABAWD work activity for 20 hours per week or 80 hours per month. The three-month ABAWD limit means the first full three month of SNAP benefits received without meeting ABAWD work requirements or being exempt. Clients can regain eligibility by meeting the ABAWD work requirement for a 30-day period prior to application or by meeting an exemption.

West Virginia Income Maintenance Manual Chapter 3.2.D.1.a. states that effective November 1, 2025, all individuals up to age 65 (who are not exempt) must meet the ABAWD requirement per the H.R.1 (One Big Beautiful Bill) of 2025. Prior to November 1, 2025, all 53- and 54-year-olds receiving SNAP (who were not exempt) were required (effective October 1, 2024) to meet the ABAWD requirement per the Fiscal Responsibility Act of 2023.

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.

An ABAWD cannot be assigned any countable month(s) prior to being screened for exemptions. If an ABAWD experiences a change in circumstance during the certification period that results in the loss of their exemption, a worker must address the change at next redetermination.

While a client may choose not to cooperate with 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.3.a. Good Cause for not meeting the ABAWD Work Requirements:

An ABAWD who would have fulfilled the work requirement through working (paid or unpaid), participating in a work program such as SNAP E&T, or a combination of working and participating in a work program, but missed some hours for good cause, would be considered to have fulfilled the work requirement if the absence from work or the work program is temporary. A temporary period is considered less than a one-month period. Good cause includes 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. If an ABAWD is granted good cause in any month for not meeting the ABAWD work requirement, the individual cannot receive a countable ABAWD month in the same period. It is the responsibility of the ABAWD to report to the agency why they are unable to meet the ABAWD work requirement. The worker must document granting good cause in the case record.

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. Eligibility workers must use all available information to verify exemption status, including household attestation. Workers are not required to verify exemption status, unless the situation is questionable. Questionable ABAWD exemption information must be decided on a case-by-case basis. State agencies must apply updated exemptions at certification and recertification. Exemptions cannot be removed unless an individual has been screened.

An individual is exempt if he:

- Is under 18 or is 65 years of age or older.
- Is an Indian, Urban Indian, or California Indian, as those terms are defined in the Indian Health Care Improvement Act.
 - o This includes individuals who are members of a federally recognized Indian tribe, band, nation, or Alaska Native village or corporation eligible for federal programs and services provided to Indians; individuals residing in an urban center who meet Indian ancestry or recognition criteria established by the Secretaries of the Interior or Health and Human Services; and individuals of California Indian descent recognized under 25 U.S.C. § 1679(a).

- Receives SNAP benefits in a SNAP AG that contains an individual under the age of 14, even if the household member who is under 14 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;
 - Caring for an incapacitated person must prevent the client from being able to complete a work activity.
- 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 pregnant, regardless of the expected date of delivery. A pregnant person must not be made to verify their pregnancy as an ABAWD if they have already demonstrated their status as pregnant for another program, i.e. Medicaid;
- Is a regular participant in a drug addiction or alcoholic treatment and rehabilitation program;
- 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 the recipient of a discretionary exemption through the Division of Family Assistance (DFA). For any month in which a discretionary exemption has been granted, a case comment will be entered into the eligibility system. These exemptions qualify the individual to participate immediately, if otherwise eligible. These exemptions are only applicable to the ABAWD time limit and ABAWD work requirement and do not automatically exempt the individual from the SNAP work requirements in Chapter 14. While the individual is exempt, he is not required to regain eligibility by completing any work hours. See below for regaining eligibility.

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 an ABAWD is no longer meeting an exemption or the work requirement, the first countable month is the first full month after the ABAWD is screened for exemptions.

3.2.1.D.7 Regaining Eligibility:

An individual whose benefits are denied or terminated under the ABAWD policy can become eligible again when:

- He no longer meets the definition of an ABAWD;
- He is currently meeting the ABAWD work requirement; or
- He becomes exempt as specified above.

Individuals who regain eligibility by meeting one of the standards above must maintain eligibility monthly by continuing to meet those standards.

3.2.1.D.8 Qualifying for an Additional Three-Month Period:

Once the client has received their first three months and benefits have closed for failure to meet eligibility requirements, eligibility for the additional three months of SNAP is only regained by:

- Having worked 80 hours in a 30-day period; or
- Participating for a month in an employment or training program; and
- Neither is continuing.

The three months must be consecutive, once the period begins, with no break in participation. This is the last time in the 36-month period that he may be eligible without meeting the work requirement or being exempt.

Prorated months do not count toward the three-consecutive-month limit.

The additional three-month period does not begin until the month after the individual is no longer meeting the ABAWD work requirement.

After this additional consecutive three-month limit expires, he may only become eligible again by complying with the requirements to regain eligibility

DISCUSSION

Policy 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. Individuals fulfill

the ABAWD work requirement when they work and/or participate in an allowable ABAWD work activity for 20 hours per week or 80 hours per month. The three-month ABAWD limit means the first full three months of SNAP benefits received without meeting ABAWD work requirements or being exempt. Clients can regain eligibility by meeting the ABAWD work requirement for a 30-day period prior to application or by meeting an exemption.

The Respondent testified that the Appellant completed her SNAP redetermination for a certification period effective November 2025 and that the ABAWD age limit was expanded effective November 2025. As the Appellant received SNAP benefits for the three-month period of December 2025, January 2026, and February 2026, her SNAP benefits were terminated effective March 2026 based on failure to meet ABAWD work requirements.

The Appellant testified that the 36-month tracking period for ABAWD was not specified on eligibility letters she received from the Respondent, and that she signed her last eligibility review form with Rights and Responsibilities in September 2025. At that time, the form included the former ABAWD requirements prior to the expansion of age limits. It should be noted that the Appellant was 54 years old at the time of her SNAP review and was considered an ABAWD under the former age requirements as well. Had the age limit for ABAWD not increased, the Appellant would have remained an ABAWD until the month of her 55th birthday in May 2026 under previous requirements. The Appellant contended that lack of transportation is listed as a reason for a potential exemption from ABAWD work requirements and that granting an exemption to the requirements appears to be subjective. The Appellant testified that she received no correspondence informing her that the ABAWD age policy had changed from the time her review was completed until her benefits were terminated in February 2026. The Appellant stated that she was given no information about how to meet ABAWD requirements by the Respondent (the protocol for volunteering, etc.). The August 25, 2025, and October 24, 2025, Notices of Decision sent to the Appellant do not list the Appellant as an individual affected by the ABAWD policy; however, the Appellant received a SNAP Work Rules notification on October 15, 2025, that indicated she must follow the ABAWD time limit rule. The Respondent stated that the Appellant should have been offered a referral to the SNAP E&T Program during her last SNAP redetermination.

While some of the eligibility notices sent to the Appellant did not provide information concerning her ABAWD status or the ABAWD 36-month tracking period, the Appellant was informed that she was considered an ABAWD in an ABAWD Time Limit Rules notice on October 15, 2025. The notice indicated that the Appellant could only receive SNAP benefits for three months in a three-year period unless she meets time limit rules and provided information concerning how to meet ABAWD requirements or exemptions. The Appellant visited the Respondent's office on February 20, 2026, prior to the termination date of her SNAP benefits, at which time the policy was addressed.

The Appellant addressed her lack of transportation in regard to a potential exemption for the ABAWD work requirements. Policy states that an ABAWD who would have fulfilled the work requirement through a paid or unpaid work program but missed some hours could be granted good cause due to the unavailability of transportation. This policy section does not pertain to the Appellant's circumstances because she was not engaged in a work activity. Policy addresses a

discretionary exemption from ABAWD work requirements through the Division of Family Assistance but there is no evidence that a discretionary exemption was sought.

Based on information provided during the hearing, the Respondent's decision to terminate the Appellant's SNAP benefits based on failure to meet ABAWD requirements is affirmed.

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 ABAWD and must comply with ABAWD work requirements or meet an exemption.
- 3) The Appellant was not meeting ABAWD work requirements or an exemption and her SNAP benefits were terminated effective March 2026 following the receipt of three months of SNAP benefits.
- 4) The Respondent's decision to terminate SNAP benefits is correct.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to terminate the Appellant's SNAP benefits effective March 2026 based on the expiration of the three-month ABAWD time limit.

ENTERED this 28th day of May 2026.

Pamela L. Hinzman
State Hearing Officer