May 28, 2026

[redacted]

RE: [redacted] v. WVDOHS
ACTION NO.: 26-BOR-1896

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,

Amy Hayes
State Hearing Officer
Member, State Board of Review

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

cc: Kristyne Hoskins, Department Representative

WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted]

Appellant,

v. **Action Number: 26-BOR-1896**

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 19, 2026, upon a timely appeal requested on May 1, 2026.

The matter before the Hearing Officer arises from the April 17, 2026, notice from the Respondent that the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits would be reduced to $115 per month.

At the hearing, the Respondent appeared by Kristyne Hoskins, Economic Service Worker Senior, West Virginia Department of Human Services. The Appellant was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

EXHIBITS

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 applied for Supplemental Nutrition Assistance Program (SNAP) benefits on February 10, 2026.

2) When the Appellant applied for SNAP benefits, she lived at [redacted] with her daughter, [redacted] and paid $550 in rent. (Notice dated March 4, 2026, submitted to the Board of Review and part of the Administrative record)

3) On February 13, 2026, the Respondent's worker conducted the required interview with the Appellant as part of her application, and based on that interview, the worker believed that the Appellant was partly responsible for paying for utilities.

4) On March 4, 2026, the Respondent sent notice to the Appellant that her SNAP benefit allotment would be reduced from $268 to $256 per month. The calculation determination on March 4, 2026, was based on the Appellant's gross monthly unearned income of $1,014, the reported shelter deduction of rent in the amount of $550, and an applied utility deduction. (Notice dated March 4, 2026, submitted to the Board of Review and part of the Administrative record)

5) Although they lived with the Appellant, [redacted] were determined not eligible to receive SNAP benefits, because they did not purchase and prepare meals with the Appellant. (Notice dated March 4, 2026, submitted to the Board of Review and part of the Administrative record)

6) The Appellant did not receive a request from the Respondent to verify her shelter expenses by submitting documentation that included the name and phone number of the landlord, the obligation amount, and the actual paid amount.

7) The Appellant received a SNAP allotment of $56 for the month of April.

8) On April 16, 2026, the Appellant called the Respondent's call center and reported that her address had changed. She also reported that her shelter expenses would remain the same, at $550 per month, and that her rent payment included utilities.

9) On April 17, 2026, the Respondent sent a notice to the Appellant that her SNAP benefit allotment would be reduced to $115 per month beginning in May 2026.

10) In May 2026, the Appellant's rent increased to $600 per month and included utilities. The Appellant also pays $135 a month for internet service.

11) On May 1, 2026, the Appellant requested a fair hearing. (IG-BR Form 29, submitted with request for appeal and a part of the Administrative record)

APPLICABLE POLICY

Code of Federal Regulations 7 CRF § 273.10 describes Determining household eligibility and benefit levels as follows, in pertinent 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. Net losses from the self-employment income of a farmer shall be offset in accordance with § 273.11(a)(2)(iii).

(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. If the State agency has chosen to treat legally obligated child support payments as an income exclusion in accordance with § 273.9(c)(17), multiply the excluded earnings used to pay child support by 20 percent and subtract that amount from the total gross monthly income.

(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, unless a deduction has been subtracted in accordance with paragraph (e)(1)(i)(G) of this section. 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 Section 1.4.1 describes the Application Process for SNAP, in pertinent part:

1.4.1.A Failure to Provide Requested Verifications
If an applicant AG fails to provide the verifications requested on the DFA-6 or verification checklist within the specified time limit and the application is denied, the AG must be given an opportunity to have its eligibility established for up to 60 days from the date of application without completion of a new form.

If the client brings in the verifications before the 60-day period has expired, the Worker determines the AG's eligibility based on the original application, noting in Case Comments any changes which have occurred since the form was completed. If the application is approved, SNAP benefits are not retroactive to the date of application because the approval delay was the fault of the client. Benefits are issued from the date the client provides the verification. The Worker provides benefits using information reported during the original application and any other pertinent information provided prior to approval.

Application Example 3: Mr. Balsam applied for SNAP benefits on November 1. A DFA-6 was issued requesting verification of income by November 30. Mr. Balsam did not provide the verification by this date and his application was denied. Mr. Balsam brought in the requested information on December 5. No new application form is required because he provided verification within 60 days of the date of application. However, if Mr. Balsam is eligible, SNAP benefits are issued from December 5.

WVIMM Section 1.4.8 Due Date of Additional Information states that additional information requested from the applicant is due 10 calendar days from the date of the DFA-6 or verification checklist.

West Virginia Income Maintenance Manual Section 1.4.9 describes Agency Time Limits, in pertinent part:

1.4.9 Agency Time Limits
It is a requirement that the DFA-6 or verification checklist be given to applicants no later than 10 days after the date of application, if one is required.

The Worker must take eligibility determination action on all applications.

> If eligible, the client's first SNAP benefits must be available for use within 30 days of the date of application, unless Expedited Service applies. See Section 1.4.16, Expedited Processing.

WVIMM Chapter 4 ***Appendix A-Income Chart*** provides that the maximum benefit allotment for a one-person AG is $298.

WVIMM Chapter 4 ***Appendix B – Standard Deductions and Allowances for SNAP*** provides that for a one to three-person AG, the standard deduction is $209.

WVIMM § 4.4.2.B.7 outlines the Shelter/Utility Deduction, in pertinent part:

> After all other exclusions, disregards, and deductions have been applied, 50% of the remaining income is compared to the total monthly shelter costs and the appropriate SUA. If the shelter costs/SUA exceed 50% of the remaining income, the amount in excess of 50% is deducted. The deduction cannot exceed the shelter/utility cap found in Appendix B.
>
> The Worker must allow the expense only if the AG is obligated to pay with the AG's excluded or non-excluded resources. There is no time limit during the certification period for deciding when an AG is no longer allowed a deduction for the bill. The AG is no longer allowed the deduction when the expense is no longer billed or is no longer due. An expense does not have to be paid to be a deduction. In order to receive a shelter deduction, the expense/obligation must be verified at a minimum of application and redetermination, or when the AG reports a change in shelter expense.

WVIMM § 4.4.2.C outlines the Standard Utility Allowance (SUA), in pertinent part:

> 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
- 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

SHARED RESIDENCE EXCEPTION: When an AG shares a residence with another AG or non-AG and shares any utility expense, the AG is eligible to receive the appropriate SUA based on all the utilities of the residence.

WVIMM § 7.2 outlines the verification requirements for Standard Utility Allowance (SUA), in pertinent part:

Program	When to Verify	Possible Sources of Verification
27. Shelter Expenses		
SNAP	At each application 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

DISCUSSION

The Appellant appealed the Respondent's decision that the amount of her Supplemental Nutrition Assistance Program (SNAP) benefits would be $115 per month beginning in May 2026. The Appellant also appealed the Respondent's decision to issue $56 in SNAP benefits for the month of April. The Respondent must prove by a preponderance of the evidence that it calculated the Appellant's SNAP benefits correctly.

The Appellant applied for SNAP benefits on February 10, 2026. At that time the Appellant lived at [redacted] with her daughter, and paid $550 per month in rent. The Respondent's representative, Kristyne Hoskins (hereinafter Ms. Hoskins), claimed that on February 17, 2026, the Respondent mailed a notification to the Appellant requesting verification of the Appellant's shelter expenses as part of the eligibility determination for her SNAP application. However, this fact was contested by the Appellant.

Policy states that shelter expenses must be verified, and that acceptable verification must include the name and phone number of the landlord, the obligation amount, and the actual paid amount. Ms. Hoskins testified that the Appellant submitted a document with information about her shelter expenses, but it did not include the landlord's phone number, and thus, was not adequate. The Appellant's SNAP benefit allotment for the month of April was calculated without a shelter deduction. Ms. Hoskins testified that the April amount was "prorated" because adequate verification of the shelter expenses was not received.

Pursuant to policy, when verification is requested, a DFA-6 or verification checklist must be given to an applicant no later than 10 days after the date of application, and the information requested from the applicant is due 10 calendar days from the date of the DFA-6 or verification checklist. The Appellant testified that she did not receive a DFA-6 or verification checklist. Neither party offered any evidence of the due date of the verification. The Respondent bears the burden of proof of showing that it correctly determined the amount of the SNAP benefit allotment for April through a calculation without the shelter deduction. Because the Respondent did not present any evidence that the Appellant was given 10 days to submit the requested shelter verification, and the Appellant testified that she was not given the required 10 days, the April allotment cannot be affirmed.

A notice sent to the Appellant on March 4, 2026, stating that her benefits would decrease to $256 a month, showed that the Respondent's calculation of the Appellant's SNAP allotment included a Shelter/Utility Deduction of $665.50. This was more than the Appellant's reported shelter expenses of $550 because it included a utility deduction. It was unclear, based on the evidence, whether the Appellant was or was not responsible, or partly responsible, for utility payments at her previous residence.

On April 16, 2026, the Appellant contacted the Respondent's call center to report a change in address. The Appellant testified that she moved to her current address in April. During the call, the Appellant reported that her shelter expenses would remain $550 per month, and that this amount included utilities.

Ms. Hoskins testified that, based on this report, the Respondent removed a standard utility deduction from the Appellant's SNAP budget. The evidence showed that, after the Appellant reported in April that her rent included utilities, the Respondent correctly determined that there should not be a utility deduction.

Based upon the preponderance of evidence presented at the hearing, the Respondent did not show that the Appellant's SNAP benefit allotment was calculated correctly. The evidence did not support the Respondent's reduction of the SNAP amount for the month of April, because the Respondent did not show that the Appellant was given 10 days to submit shelter expense verification as required by policy. The case is remanded and the Respondent shall send a verification checklist so a correct calculation can be made for February and March.

The Appellant also argued that the amount of SNAP benefits is too low to meet her needs. The Board of Review cannot pass judgment on policy itself, it can only determine if the agency acted in accordance with the policy. The amount of SNAP benefits is set by federal and state regulations.

CONCLUSIONS OF LAW

1) When an assistance group (AG) applies for Supplemental Nutrition Assistance Program (SNAP) benefits, the AG's shelter expenses must be verified.

2) Policy requires that applicants be given 10 calendar days to submit requested verifications.

3) The Respondent failed to show that the Appellant was given 10 calendar days to submit verification of her shelter expenses with the phone number of her landlord.

4) Monthly SNAP allotments are determined by an AG's countable income after allowable deductions have been applied.

5) The Respondent did not apply a shelter deduction in its calculation of the Appellant's SNAP allotment for April because it determined that the Appellant did not verify her shelter expenses adequately, which was incorrect.

6) On April 16, 2026, the Appellant reported that her utility costs were included in her rent and the Respondent correctly determined that the Appellant should not have a utility deduction.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the actions of the Respondent. The matter is **REMANDED** for recalculation of the Appellant's April SNAP allotment based on a $550 shelter deduction and the Respondent shall issue the deficiency to the Appellant. The matter is further **REMANDED** for issuance of a verification checklist so the February and March allotments can be recalculated. Any decision by the Respondent is subject to fair hearing rights.

ENTERED this 28th day of May 2026.

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Amy Hayes
State Hearing Officer
Member, Board of Review