WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted]

Appellant,

v. **Action Number: 26-BOR-2383**

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 September 8, 2026.

The matter before the Hearing Officer arises from the Respondent's disallowance of a deduction in calculating the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits as outlined in a Notice of Decision dated June 15, 2026.

At the hearing, the Respondent appeared by Jennifer Barker, Economic Services Supervisor, WV DoHS. The Appellant was self-represented. Appearing as a witness for the Appellant was [redacted] the Appellant's significant other. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Notice of Decision dated June 15, 2026
- D-2 Verification from [redacted] Apartments concerning the Appellant's monthly financial contribution to [redacted]
- D-3 West Virginia Income Maintenance Manual Chapters 4.4.2.B.7 and 4.4.2.C

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 June 15, 2026, the Respondent notified the Appellant that his SNAP allotment would remain the same at $24 per month effective July 2026 (Exhibit D-1).

3) The Appellant receives gross Social Security income of $1,835.90 per month (Exhibit D-1).

4) The Appellant does not dispute the amount of his monthly gross Social Security income.

5) The Appellant's significant other, [redacted], does not reside in his household and lives at [redacted] Apartments in [redacted] (Exhibit D-2).

6) The Appellant contributes $300 per month to [redacted] to assist her with utility costs at [redacted] Apartments and other living expenses (Exhibit D-2).

7) The Appellant requested a fair hearing on July 20, 2026, to contest the disallowance of a SNAP deduction for his monthly contribution to [redacted].

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 4.4.2 states that certain items may be allowed as income deductions to arrive at an Assistance Group's (AG's) countable income, (even if the payment is made from assets). To receive a deduction, the expense must:

- Not be an educational expense;
- Be billed or be due during the certification period in which the deduction is claimed;
- Be obligated to be met by the AG's own resources; and
- Be owed to an individual not included in the AG to receive a deduction.

To convert an expense to a monthly amount, multiply by an actual or average amount as follows:

- Weekly amount x 4.3
- Biweekly amount (every two weeks) x 2.15
- Semi-monthly (twice/month) x 2

West Virginia Income Maintenance Manual Chapter 4.4.2.B.7 states that the worker must allow a shelter/utility expense deduction only if the Assistance Group is obligated to pay the expense with the AG's excluded or non-excluded resources.

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 worker must allow a shelter/utility expense deduction only if the Assistance Group is obligated to pay the expense with the AG's excluded or non-excluded resources.

The Appellant contends that he should be allowed a SNAP income deduction for the $300 he pays to [redacted] each month to assist her with utilities and other expenses at her residence. The Appellant testified that he only receives around $1,600 per month in income after his Medicare premium is deducted from his Social Security payment, and that SNAP is failing him by disallowing a deduction for the money he provides to assist his significant other in maintaining her housing. He stated that [redacted] resides in a U.S. Department of Housing and Urban Development (HUD) apartment, has no income, and will be evicted if she fails to pay her electric bill. [redacted] testified that she would be unable to keep her apartment without the Appellant's monthly financial assistance and that she and her daughter would become homeless.

Jennifer Barker, Economic Services Supervisor with the Respondent, testified that the Appellant cannot receive a deduction for the contribution he provides to [redacted] since [redacted] does not reside in his household and policy only permits SNAP deductions for obligated expenses. The Appellant can receive deductions for shelter or utility expenses paid at his own residence.

While the Appellant's desire to assist his significant other with maintaining her housing is acknowledged, policy cites no deductions for non-obligated contributions made to assist individuals outside of a SNAP Assistance Group with utility costs and expenses.

Based on information provided during the hearing, the Respondent's decision to disallow a deduction for the Appellant's monthly payment to [redacted] is correct.

CONCLUSIONS OF LAW

1) 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).
2) A SNAP Assistance Group can only receive shelter/utility deductions for expenses obligated with the Assistance Group's excluded or non-excluded resources.
3) The Appellant requested a SNAP income deduction for the $300 monthly contribution he pays to his significant other to assist her with expenses at her separate residence.
4) The deduction sought by the Appellant is not permitted under SNAP policy.
5) The Respondent's action to disallow the deduction is affirmed.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to disallow a deduction for the Appellant's monthly contribution to his significant other.

ENTERED this 9th day of September 2026.

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Pamela L. Hinzman
State Hearing Officer