WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted]

Appellant,

v. **Action Number: 26-BOR-2562**

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 September 16, 2026.

The matter before the Hearing Officer arises from the Appellant's August 14, 2026 protest of the delay in processing her Supplemental Nutrition Assistance Program (SNAP) application. As the Appellant's application has been processed since the time of her original request, both the Appellant and the Respondent's representative agreed they were prepared to discuss the resulting August 24, 2026 SNAP denial.

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

Department's Exhibits:

- D-1 Hearing Summary
- D-2 July 21, 2026 Notice of Scheduled Telephone Interview Appointment
- D-3 July 28, 2026 Verification Checklist
- D-4 Employment Verification received
- D-5 August 14, 2026 Verification Checklist
- D-6 Employment Income Verification received
- D-7 WV Income Maintenance Manual (WV IMM), Chapter 4, Appendix A
- D-8 August 24, 2026 Notice of SNAP denial
- D-9 WV IMM, Chapter 4, §4.4.4.F

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 SNAP benefits on July 16, 2026.

2) On July 21, 2026, the Respondent's worker attempted to complete a telephone interview with the Appellant, however, was unsuccessful.

3) The Respondent's worker scheduled an appointment for a telephone interview to be held on July 28, 2026, at 10:30 a.m., and issued notification to the Appellant on July 21, 2026. (Exhibit D-2)

4) On July 28, 2026, the SNAP telephone interview was accomplished and the application was pended for verifications needed to complete the eligibility determination.

5) The verification request was issued on July 28, 2026 for: verification of hours worked and gross income received from [redacted] on or between June 28 – July 27; employment contract; verification of child support obligation and arrears support payments received through the state of [redacted] for Child [redacted] for the months of April, May, June; mortgage statement to verify monthly shelter cost obligation, HOA fees. These were all due by August 7, 2026. (Exhibit D-3)

6) Because a decision on the Appellant's SNAP application had not been made, on August 14, 2026, the Appellant requested a fair hearing based on the delay.

7) On August 14, 2026, it was determined that the submitted documents failed to include an hourly wage or salary which prompted another verification request issued to the Appellant on August 14, 2026: "Please provide an award, acceptance or approved for hire letter that verifies your hiring contract. This award letter needs to show your yearly gross salary amount." This verification information was due by August 26, 2026. (Exhibit D-5)

8) On August 21, 2026, the Appellant submitted additional employment information.

9) The Respondent's worker processed the returned information and determined that the Appellant worked as a contractual employee for the [redacted] Public School [redacted] system being paid $27.33 per hour, 80 hours per pay period (biweekly) under a 10-month renewable contract. (Exhibit D-6)

10) The Respondent's worker calculated the Appellant's earned income to be: $2,186.40 x 2.15 = $4,700.76 monthly x 10 months for a total contractual yearly amount of $47,007.60.

11) The Appellant's earned income was converted to a gross monthly income of $3,917.30 ($47,007.60/12 months) plus unearned income of $2,836.60, for a total gross monthly income of $6,753.90. (Exhibit D-8)

12) The Appellant's assistance group (AG) equals five as one of the listed household members is ineligible due to work registration penalty (this was not in dispute at the hearing). (Exhibit D-8)

13) The gross income limit for SNAP eligibility for an AG of 5 is $4,709 with the net income limit being $3,138. (Exhibit D-7)

14) On August 24, 2026, the Respondent issued a denial notice to the Appellant stating that she was over the allowable income limit for SNAP eligibility. (Exhibit D-8)

15) The Appellant currently works for the [redacted] system and has been employed there for the last four years.

16) At the hearing, the Appellant contended that because she did not work for the months of June, July and August, no earned income should be attributed to her for SNAP eligibility calculation.

APPLICABLE POLICY

WV IMM, Chapter 1, §1.4.8 Due Date of Additional Information:

Additional information requested from the applicant is due 10 calendar days from the date of the DFA-6 or verification checklist.

WV IMM, Chapter 1, §1.4.9 Agency Time Limits, in part:

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.

WV IMM, Chapter 1, §1.4.10 Agency Delays:

If, because of an agency error, an application has not been acted on within the required time limit, corrective action must be taken immediately.

If the agency failed to request the necessary verification, the Worker must immediately send a DFA-6 or verification checklist to the applicant and note that the application is

pending. When the information is received, benefits are retroactive to the date of application.

If the agency failed to act promptly on the information already received, benefits are retroactive to the date eligibility would have been established had the agency acted in a timely manner. See Section 9.2 for notification requirements.

WV IMM, Chapter 4, §4.4.4.F Annual Contract Employment:

This section applies to any person employed under a yearly contract, such as school employees, including bus drivers, cooks, janitors, aides, and professional staff. This item does not apply to migrant workers or substitute employees. These individuals have their annual income prorated over a 12-month period. Additional earnings, such as for summer work, are added to the prorated amount during the time additional earnings are received.

Although a person may not have signed a new annual contract, he is still considered employed under an annual contract when the contract is automatically renewable, or when he has implied renewal rights. Implied renewal rights are most commonly associated with school contracts. This item does not apply during strike and disaster situations when the other party to the contract cannot fulfill it; or when labor disputes interrupt the flow of earnings specified in the contract.

WV IMM, Chapter 4, §4.4.3.B, *Determining Countable Income*, in pertinent part:

The following steps are used to determine countable income for cases meeting the eligibility tests above.

Step 1:	Combine monthly gross countable earnings and monthly gross profit from self- employment.
Step 2:	Deduct 20% of Step 1.
Step 3:	Add the gross countable unearned income
Step 4:	Subtract the Standard Deduction
Step 5:	Subtract allowable Dependent Care Expenses
Step 6:	Subtract the amount of legally obligated child support actually paid.
Step 7:	Subtract the Homeless Shelter Standard Deduction found in Appendix B.
Step 8:	Subtract allowable medical expenses in excess of $35
Step 9:	Calculate 50% of the remaining income and compare it to the actual monthly shelter/SUA amount.
Step 10:	If the shelter/SUA costs are equal to or less than the amount found in step 9, no further computation is needed, the amount from step 8 is the countable income. If the shelter/SUA costs are greater than step 9, the amount in excess of 50% is deducted to arrive at the countable income. Elderly/disabled households are not subject to the shelter/utility cap.
Step 11:	Compare the countable income to the maximum net income in Appendix A for the AG size.

WV IMM, Chapter 4, §4.4.3.C, *Determining the Amount of the Benefit*:

To determine the SNAP allotment, find the countable income and the maximum benefit allotment for the AG in Appendix A. One- and two-person AGs who meet the gross and

net income test or who are categorically eligible, as defined in Section 1.4.17.C automatically receive the minimum SNAP benefit, unless it is a prorated benefit. See Appendix D, SNAP and WV WORKS Proration Table. No benefits are issued to any AG eligible for an initial, prorated amount less than $10. See Chapter 1 for proration requirements. To determine the SNAP allotment, find the countable income and the maximum benefit allotment for the AG in Appendix A. The Worker will determine the benefit amount by using the following method. The eligibility system also uses this method.

- Multiply net income by 30% (Round up)
- Subtract 30% of net income as calculated above from the maximum monthly benefit for the AG size

WV IMM, Chapter 4, Appendix A, Income Limits:

130% of the FPL for a five-person AG: $4,079
100% of the FPL for a five-person AG: $3,138

7 CFR 273.10(c)(3) Income averaging

(i) Income may be averaged in accordance with methods established by the State agency to be applied Statewide for categories of households. When averaging income, the State agency shall use the household's anticipation of monthly income fluctuations over the certification period. An average must be recalculated at recertification and in response to changes in income, in accordance with § 273.12(c), and the State agency shall inform the household of the amount of income used to calculate the allotment. Conversion of income received weekly or biweekly in accordance with paragraph (c)(2) of this section does not constitute averaging.

(ii) Households which, by contract or self-employment, derive their annual income in a period of time shorter than 1 year shall have that income averaged over a 12-month period, provided the income from the contract is not received on an hourly or piecework basis. These households may include school employees, sharecroppers, farmers, and other self-employed households. However, these provisions do not apply to migrant or seasonal farmworkers. The procedures for averaging self-employed income are described in § 273.11. Contract income which is not the household's annual income and is not paid on an hourly or piecework basis shall be prorated over the period the income is intended to cover.

(iii) Earned and unearned educational income, after allowable exclusions, shall be averaged over the period which it is intended to cover. Income shall be counted either in the month it is received, or in the month the household anticipates receiving it or receiving the first installment payment, although it is still prorated over the period it is intended to cover.

DISCUSSION

The Appellant is a contractual employee with the [redacted] Public Schools under a 10-month yearly renewable contract. On July 16, 2026, the Appellant applied for SNAP benefits. After an unsuccessful attempt was made to conduct a SNAP telephone interview, which is a part of the application process, the Respondent's worker scheduled an appointment for

a telephone interview to be held on July 28, 2026, at 10:30 a.m. Notification was issued to the Appellant on July 21, 2026.

At the conclusion of the scheduled telephone interview, it was determined that verification of employment was necessary to complete the eligibility determination. On July 28, 2026, the Respondent issued a verification checklist requesting verification of hours worked and gross income received from [redacted] on or between June 28 – July 27; employment contract; verification of child support obligation and arrears support payments received through the state of [redacted] for Child [redacted] for the months of April, May, June; mortgage statement to verify monthly shelter cost obligation, HOA fees. These were all due by August 7, 2026.

On August 14, 2026, the Appellant filed an appeal based on the delay in processing of her SNAP application. On the same day, the Respondent processed the information which was returned by the Appellant. The Respondent's worker determined that the submitted documents failed to include an hourly wage or salary which prompted another verification request issued to the Appellant on August 14, 2026: "Please provide an award, acceptance or approved for hire letter that verifies your hiring contract. This award letter needs to show your yearly gross salary amount." This verification information was due by August 26, 2026.

The Appellant submitted the additional requested information on August 21, 2026. The Respondent's worker processed the information and determined that the Appellant worked as a contractual employee for the [redacted] being paid $27.33 per hour, 80 hours per pay period (biweekly) under a 10-month renewable contract. The Respondent's worker calculated the Appellant's earned income to be: $2,186.40 x 2.15 = $4,700.76 monthly x 10 months for a total contractual yearly amount of $47,007.60. The Appellant's earned income was converted to a gross monthly income of $3,917.30 ($47,007.60/12 months) plus unearned income of $2,836.60, for a total gross monthly income of $6,753.90. Because the gross income limit for SNAP eligibility for an AG of 5 is $4,709 with the net income limit being $3,138, the Respondent issued a notice of denial to the Appellant on August 24, 2026.

Although the Appellant filed for an appeal prior to the denial of her SNAP application based on a delay in processing, the parties agreed to discuss the issue of the subsequent SNAP application denial. The Appellant contends that because she received no pay for the months of June, July, and August, her income she received under her 10-month contract should not be counted in calculating her income.

Policy instructs that any person employed under a yearly contract, such as school employees, including bus drivers, cooks, janitors, aides, and professional staff, have their annual income prorated over a 12-month period. Additional earnings, such as for summer work, are added to the prorated amount during the time additional earnings are received. Although a person may not have signed a new annual contract, he is still considered employed under an annual contract when the contract is automatically renewable, or when he has implied renewal rights. Implied renewal rights are most commonly associated with school contracts.

The Appellant testified that she has been employed by the [redacted] for four years. The documentary evidence showed her contract with [redacted] is current. As the only dispute at the hearing was based

upon the Appellant's earned income, the Respondent showed by a preponderance of evidence that it correctly determined the Appellant's earned income pro-rated over 12 months. When the Appellant's earned income was added to the unearned income, the Appellant exceeded the allowable income. Because the Appellant was over the allowable income for SNAP eligibility, the Respondent's decision to deny her SNAP application is affirmed.

CONCLUSIONS OF LAW

1) Policy instructs that any person employed under a yearly contract, such as school employees, including bus drivers, cooks, janitors, aides, and professional staff have their annual income prorated over a 12-month period.

2) The Appellant is an employee at the [redacted] Public School system working under a 10-month renewable contract.

3) The Appellant's contractual income is $47,007.60 which equal $3,917.30 gross monthly income prorated over a 12-month period.

4) The gross income limit for a five-person AG for SNAP benefits is $4,079.

5) The Appellant's AG of five has a gross monthly income is $6,753.90.

6) The net income limit for a five-person AG for SNAP benefits if $3,138.

7) The Appellant's AG's net income is $5,709.44.

8) The Appellant is over the allowable income limit for SNAP eligibility.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to deny the Appellant's July 2026 SNAP application.

ENTERED this 23rd day of September 2026.

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Lori Woodward, Certified State Hearing Officer