WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted]

Appellant,

v. **Action Numbers: 26-BOR-2573 SNAP & 26-BOR-2574 SCA**

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 17, 2026, upon a timely appeal requested on August 24, 2026.

The matter before the Hearing Officer arises from the August 31, 2026, decision by the Respondent as to the amount of the Appellant's shelter/utility deduction for her Supplemental Nutrition Assistance Program benefits, and the August 14, 2026, decision by the Respondent as to the Appellant's eligibility for the School Clothing Allowance program.

At the hearing, the Respondent appeared by Kristyne Hoskins. 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:

A-1	Page 6 of 6 of a Notice dated August 14, 2026, to Melissa Wagner
A-2	Rent payment verification dated August 5, 2026

A-3	Crib card and medical bracelet for [redacted] Boy born April 6, 2026
A-4	Page 2 of 13 of a Notice dated May 19, 2026
A-5	[redacted] medical insurance card

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 for an assistance group (AG) of eight (8).

2) The Appellant's SNAP AG increased to eight (8) when her grandson was born in April 2026.

3) The Appellant lives with her five (5) children, one (1) grandchild, and [redacted].

4) The Appellant's oldest daughter is nineteen (19) years old and is the mother of the Appellant's grandchild living in the home.

5) The AG's gross earned income was $4,949.51 per month in the months of August and September 2026. (Notice dated August 14, 2026, submitted with the hearing request and part of the Administrative record)

6) The Appellant pays monthly shelter expenses of $1,300. (Exhibit A-2)

7) The Appellant pays monthly utility expenses which are not included in her shelter expenses.

8) The Appellant received the SNAP standard deduction of $299 for an AG size of more than six (6) in September 2026. (Notice dated August 14, 2026, submitted with the hearing request and part of the Administrative record)

9) The Appellant received the SNAP maximum utility standard allowance of $518 in September 2026. (Exhibit D-4)

10) In October 2026, the standard deduction for an AG of more than six (6) people will increase from $299 to $308, the maximum Heating/Cooling Standard (HCS) utility allowance will increase from $518 to $536, and the maximum SNAP allotment for an AG of eight (8) will increase from $1,789 to $1,841.

APPLICABLE POLICY

Code of Federal Regulations 7 CFR § 273.9(d) describes Income deductions, in pertinent part:

(d) ***Income deductions.*** Deductions shall be allowed only for the following household expenses:

(1) ***Standard deduction*** —

(i) ***48 States, District of Columbia, Alaska, Hawaii, and the Virgin Islands.*** Effective October 1, 2002, in the 48 States and the District of Columbia, Alaska, Hawaii, and the Virgin Islands, the standard deduction for household sizes one through six shall be equal to 8.31 percent of the monthly net income eligibility standard for each household size established under paragraph (a)(2) of this section rounded up to the nearest whole dollar. For household sizes greater than six, the standard deduction shall be equal to the standard deduction for a six-person household.

(6) ***Shelter costs*** —

(ii) ***Excess shelter deduction.*** Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1) through (d)(5) of this section have been allowed. If the household does not contain an elderly or disabled member, as defined in § 271.2 of this chapter, the shelter deduction cannot exceed the maximum shelter deduction limit established for the area. For fiscal year 2001, effective March 1, 2001, the maximum monthly excess shelter expense deduction limits are $340 for the 48 contiguous States and the District of Columbia, $543 for Alaska, $458 for Hawaii, $399 for Guam, and $268 for the Virgin Islands. FNS will set the maximum monthly excess shelter expense deduction limits for fiscal year 2002 and future years by adjusting the previous year's limits to reflect changes in the shelter component and the fuels and utilities component of the Consumer Price Index for All Urban Consumers for the 12 month period ending the previous November 30. FNS will notify State agencies of the amount of the limit.

(iii) ***Standard utility allowances.***

(A) A State agency may use standard utility allowances (standards) in place of actual costs in determining a household's excess shelter deduction. The State agency may use different types of standards but cannot allow households the use of two standards that include the same expense. The State agency may vary the standards by factors such as household size, geographical area, or season. Only utility costs identified in paragraph (d)(6)(ii)(C) of this section may be used in developing standards described in paragraphs (d)(6)(iii)(A)(*1*) through (*3*) of this section. The following standards are allowable:

(*1*) An individual standard for each type of utility expense;

(*2*) A standard utility allowance for all utilities that includes heating or cooling costs (HCSUA); and

(*3*) A limited utility allowance (LUA) that includes electricity and fuel for purposes other than heating or cooling, water, sewerage, well and septic tank installation and maintenance, and garbage or trash collection. The LUA may also include telephone and/or internet costs. The LUA must include expenses for at least two utilities.

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.

Code of Federal Regulations 45 CFR § 260.30 provides definitions for the Temporary Assistance to Needy Families (TANF) program, in pertinent part:

Minor child means an individual who:
(1) Has not attained 18 years of age; or
(2) Has not attained 19 years of age and is a full-time student in a secondary school (or in the equivalent level of vocational or technical training).

West Virginia Income Maintenance Manual (IMM) § 3.2 describes the SNAP Eligibility Determination Groups, in pertinent part:

3.2 SNAP Eligibility Determination Groups

3.2.1 The Assistance Group (AG)

3.2.1.A Who Must Be Included?

The SNAP AG must include all eligible individuals who both live together and purchase food and prepare meals together, with the exception of residents of shelters for battered persons.

An individual cannot be a member of more than one SNAP AG in any month.

3.2.1.A.4 Children under Age 22, Living with a Parent

Natural or adopted children and stepchildren who are under 22 years of age and who live with a parent must be in the same AG as that parent.

There is no required maximum/minimum amount of time the child must spend with a parent for the child to be included in the SNAP AG. If no one is receiving any SNAP benefits for the child, it is assumed that the living arrangements are not questionable, and the child is added to the SNAP AG that wishes to add him. If the child is already listed in another SNAP AG or the other parent wishes to add the child to his SNAP AG, the parents must agree as to where the child "lives" and, ultimately, to which SNAP AG he is added. Where the child receives the majority of his meals, or the percentage of custody, must not be the determining factor for which parent receives SNAP for the child.

3.2.1.A.6 Individuals or Groups of Individuals Who Purchase and Prepare Together

A group of individuals who live together, and who customarily purchase food and prepare meals together, is an AG.

"Customarily" means purchasing food and preparing meals more than 50% of the time.

IMM § 3.3 outlines the Dependent Child/Specified Relative requirements for WV WORKS, in pertinent part:

3.3 Dependent Child/Specified Relative

In order to receive WV WORKS benefits, Parents/Caretaker Relatives Medicaid, or Aid to Families with Dependent Children (AFDC)-Related Medicaid, the dependent child must meet the following requirements.

3.3.1 Age

3.3.1.A WV WORKS

Children must be under the age of 18, whether or not they are attending school or training. A child who reaches age 18 on the first day of the month is not eligible for benefits for that month.

A child who reaches age 19 on the first day of the month is not eligible for that month.

IMM § 3.4 outlines the WV WORKS Eligibility Determination Groups, in pertinent part:

3.4 WV WORKS Eligibility Determination Groups

3.4.1 The Assistance Group (AG)

3.4.1.A Who Must Be Included?

Whether or not an individual has income sufficient to meet his own needs or the needs of his dependents is not relevant when determining if the individual must be included in the AG.

A Supplemental Security Income (SSI) recipient, age 18 or over, cannot be included in the AG. See “Who Cannot Be Included” below.

The following individuals must be included in the AG:

- All minor, dependent, blood-related, and adoptive siblings who live in the same household with a specified relative.
- The parent(s) of the child(ren) identified in the example above when the parent(s) lives with the child(ren), unless he falls under any of the categories of who must not be included listed below.
- In cases of joint custody, only the custodial parent is included. The custodial parent is the one with whom the child(ren) lives more than 50% of the time in a given month. The custodial parent of any child may change from month to month. If the child lives with each parent exactly 50% of the time, the parents must decide who the custodial parent is.
- Parents who attend school, work, or are looking for work away from home, including those who work out of state, must be included, unless there is a legal separation.
- The legal spouse of the parent described above, regardless of the legal spouse’s legal relationship to the child(ren), unless he falls under any of the categories of who must not be included listed below.
- All minor, dependent, blood-related, and adoptive children of the legal spouse of the parent, regardless of the relationship of the children to the other children in the home, provided they are living with a specified relative.

• The non-parent caretaker who has chosen to be included by signing the WV WORKS Caretaker Relative Option form (DFA-WVW-10) within the past 12 months.

3.4.2 The Income Group (IG)
The non-excluded income of all AG members is counted.

The non-excluded income of the ineligible and disqualified non-recipient Work-

Eligible Individuals who would normally be required to be included in the AG must be counted when determining eligibility.

See Chapter 4 to determine how the income is counted.

3.4.3 The Needs Group (NG)
Countable income is compared to the income limits for the number in the AG to determine eligibility and the amount of the benefit.

Disqualified and excluded SSI individuals are not counted in the NG.

West Virginia Income Maintenance Manual (IMM) § 4.1 describes the income policies and procedures used to determine SNAP eligibility and benefit levels as follows, in pertinent part:

…This chapter includes charts of sources of income and shows whether or not they are counted for each program. In addition, if an income source is counted, the chart identifies it as earned, self-employment, or unearned income. For each program that requires an income determination by the Worker, there are sections explaining budgeting methods, deductions and disregards, incentives, how to determine countable income, and special situations. Income limits applicable to each benefit are found in Appendix A.

Income is defined as any and all monies received from any source.

The determination of countable income is necessary, because it is, generally, the countable income that is tested against maximum income limits.

The first step in determining countable income is to determine all the incoming monies to the assistance group (AG) and to those whose income is counted for, or deemed to, the AG.

Once all incoming monies have been identified, they are compared to the income exclusions listed in this Chapter, and, if applicable, the income from any excluded source is subtracted.

After all income exclusions have been applied, some of the remaining income may qualify for certain disregards and deductions as outlined in the sections for each specific program…

IMM § 4.4.2.B outlines Allowable Disregards and Deductions, in pertinent part:

The following are the only allowable disregards and deductions for the SNAP. They apply to the income of the AG members and any individual sanctioned/penalized due to enumeration, Intentional Program Violation (IPV), failure to comply with a work requirement, or disqualified by law. See Deeming in Section 4.4.4.H.

4.4.2.B.1 Earned Income Disregard

Twenty percent (20%) of gross countable earned income, including gross profit from self-employment, is disregarded. This disregard is applied to the combined earnings of all members of the AG and to those persons whose income is counted or deemed. It is intended to cover those expenses incidental to employment or training, such as transportation, meals away from home, special clothing, and payroll deductions.

4.4.2.B.2 Standard Deduction

A Standard Deduction is applied to the total non-excluded income counted for the AG, after application of the Earned Income Disregard. The amount of the Standard Deduction is found in Appendix B.

4.4.2.B.7 Shelter/Utility Deduction

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.

IMM Chapter 4 ***Appendix A-Income Chart*** provides that the SNAP Gross / Net Test Gross 130% for six (6) persons is $4,675, and for eight (8) persons is $5,867.

IMM Chapter 4 ***Appendix A-Income Chart*** provides that the maximum benefit allotment for an eight (8) person AG is $1,789. This will increase to $1,841 on October 1, 2026.

IMM Chapter 4 ***Appendix B – Standard Deductions and Allowances for SNAP*** provides that for an AG of six (6) or more people, the standard deduction is $299. This will increase to $308 on October 1, 2026.

IMM Chapter 4 ***Appendix B – Standard Deductions and Allowances for SNAP*** provides that the Heating/Cooling Standard (HCS) deduction is $518. This will increase to $536 on October 1, 2026.

IMM § 19.3 outlines the Common Eligibility Information for the School Clothing Allowance (SCA) program, in pertinent part:

19.3.1 Common Eligibility Requirements
All appropriate WV WORKS requirements in Chapter 2 apply.

19.3.2 Eligibility Determination Groups
The Eligibility Determination Groups are the same as for WV WORKS. See Section 3.4. Recipients of adoption assistance must not be included in the benefit group for SCA.

19.3.3 Specific Requirements

19.3.3.A Age and School Attendance
To be eligible for the West Virginia School Clothing Allowance (WVSCA), the child must meet all of the following criteria:

- Be a resident of West Virginia, not visiting or on vacation.
- Meet the eligibility requirements or be eligible for WV WORKS for July of the current program year.
- Be enrolled in public Kindergarten through 12thgrade, private Kindergarten through 12thgrade that has been approved by the Board of Education, or a WV Public Prekindergarten that could be housed in a child care or Head Start center.
- Children who have reached the age 5 by July 1 and are enrolled in Kindergarten of the current program year.
- The following activities are not considered school enrollment:
    - Nursery School
    - Correspondence or internet courses
- Homeschooling must be approved by the county Board of Education or parents must meet certain requirements, including providing instruction in core subjects and annual assessments.

An individual who is included in the assistance group (AG) as a caretaker relative is not eligible for SCA, even when he meets the age and enrollment requirements.

Children who have reached the age 4 by September 1 and are enrolled in WV Public Prekindergarten of the current program year.

Maximum age requirement is met when the child is not yet age 19 on July 1 of the current program year.

School enrollment for children ages five through 17 is presumed by the eligibility system. The eligibility system will provide a benefit for any four-year-old enrolled when the system shows an enrollment status of full-time, less than half-time, or half time. The statement of a parent or other specified relative is sufficient, and no other verification is required to document enrollment.

The eligibility system will provide a benefit for any four-year-old enrolled when the system shows an enrollment status of full-time, less than half-time, or half-time.
The instruction sheet directs the SCA payee to return the benefit when the child is not enrolled in school, is no longer in the home, or will not be returning to school.

19.3.5 Income
All WV WORKS income requirements in Chapter 4 apply. No deductions or disregards are applied. For SCA, income eligibility is based only on the month of July, the program month. When income has been previously verified within the last two months, additional income verification is not required. If appropriate, income must be updated in the eligibility system. If the gross non-excluded income is equal to or greater than 130% of the federal poverty level (FPL), the family is ineligible for WVSCA.

DISCUSSION

The Appellant is contesting the Respondent's determination of the amount of the shelter/utility deduction used to calculate her Supplemental Nutrition Assistance Program (SNAP) benefits. The Appellant also contests the Respondent's determination that her income exceeds the eligibility limit for School Clothing Allowance (SCA). The Respondent must show by a preponderance of the evidence that it correctly determined the Appellant's SNAP shelter/utility deduction and SCA eligibility.

The West Virginia Income Maintenance Manual (IMM) is the Respondent's policy which lays out the procedures for administering each program. Pursuant to the IMM, the way a recipient's assistance group (AG) or household is defined is different for SNAP than it is for SCA. The IMM is accessible to the public online and is frequently updated.

Before the hearing, the Appellant contended that her SNAP allotment was calculated incorrectly because the Respondent incorrectly excluded her grandson from her SNAP AG. The Appellant lives with her five (5) children, one (1) grandchild, and [redacted] The Appellant's oldest daughter is nineteen (19) years old and is the mother of the Appellant's grandchild who lives in the home. Pursuant to policy, children under age 22, living with a parent, must be included in the AG. In addition, a group of individuals who live together, and who customarily purchase food and prepare meals together, is an AG. For purposes of SNAP calculations, the Appellant's AG is eight (8).

The Respondent's representative, Kristyne Hoskins, testified that the Appellant's SNAP AG size was incorrect for SNAP calculations made before September, because the calculations were made based on an AG size of seven (7) and excluded the Appellant's grandson. Ms. Hoskins stated that the AG size was corrected on August 25, 2026, to include the Appellant's grandson, and the issue had been resolved. Additionally, Ms. Hoskins testified that the difference between the SNAP benefit amount issued, and the amount that should have been issued, had been paid to the Appellant as auxiliary payments. The Appellant agreed that she had received auxiliary payments. The preponderance of the evidence showed that the Respondent had corrected the SNAP AG size to eight (8) in calculating the Appellant's SNAP benefits for June through October, and that the issue

had been resolved, and was therefore moot.

SNAP Shelter/Utility Deduction

The Appellant contends that the SNAP allotment calculation for September and going forward is still incorrect because the shelter/utility deduction is not being calculated correctly. The Appellant also contends that her SNAP allotment has changed several times. The Respondent attributed $4,949.51 per month in gross earned income to the Appellant in August, September, and October 2026. The amount of income was not refuted by the Appellant. The Appellant pays $1,300 per month for rent. The Appellant testified that her rent payment does not include utilities. The SNAP benefit allotment is calculated as follows:

Twenty percent (20%) of gross countable earned income is disregarded, and must be calculated by multiplying 20% by the gross earned income:

$4,949.51	Gross earned income
x .20	Earned income disregard percentage
$ 989.90	Earned income deduction

The earned income deduction is subtracted from the gross earned income.

$4,949.51	Gross earned income
- 989.90	Earned income deduction
$3,959.61	

The standard income deduction for an AG of more than six (6) in September was $299. This deduction is subtracted from the AG's income as indicated in the regulations.

$3,959.61	Gross earned income
- 299	Standard income deduction
$3,660.61	Adjusted income

To determine the amount of the shelter deduction, the AG's shelter costs must be combined with the applicable utility standard for the AG size. An AG's actual utility costs are not used in the calculation. According to IMM Chapter 4, Appendix B, the maximum utility standard in September was $518.

During the hearing, Ms. Hoskins testified that the SNAP allotment was calculated using the maximum utility standard. The shelter costs and utility standard are added to find the total shelter/utility costs.

$1,300	AG's monthly shelter costs
+ 518	Utility Standard
$1,818	Shelter/Utility costs

The policy instructs that 50% of the adjusted income must be calculated:

$3,660.61 ÷ 2 = $1,830.30 (50% Adjusted income)

If the shelter/utility costs do not exceed 50% of the adjusted income, then there is no shelter/utility deduction. To determine the amount of excess shelter/utility costs, 50% of the adjusted income is subtracted from the shelter/utility costs:

$1,818	Shelter/Utility costs
- 1,830.30	50% of Adjusted income
$ 0	Excess shelter utility costs (shelter/utility deduction)

The actual cost of shelter is not deducted in the SNAP calculation. A shelter/utility deduction is only applied if the AG's shelter and utility costs exceed 50% of the adjusted income. The Appellant was receiving a shelter/utility deduction of zero ($0) dollars because her shelter/utility costs did not exceed 50% of her adjusted income.

To determine the net adjusted income, the shelter/utility excess costs are subtracted from the adjusted income.

$3,660.61	Adjusted income
- 0	Excess shelter utility costs (shelter/utility deduction)
$3,660.61	Net adjusted income

Then, thirty percent of the net adjusted income must be calculated.

$3,660.61	Net adjusted income
X .30	
$1,098.18	

Under the regulations, if 30% of the household's net income ends in cents, the State agency shall round 30% of net income up to the nearest higher dollar; or not round the 30% of the net income at all. Instead, after subtracting 30% of the net income from the appropriate AG allotment, the State agency shall round the allotment down to the nearest lower dollar.

To determine the amount of the SNAP allotment, 30% of the net adjusted income is subtracted from the maximum SNAP allotment for the AG size. For the September SNAP allotment determination, $1,789 was the maximum SNAP allotment for an AG of eight (8).

$1,789	Maximum SNAP allotment
-1,098	30% of Net adjusted income
$ 691	Monthly SNAP allotment

After rounding the allotment down to the nearest lower dollar, the Appellant's monthly SNAP benefit allotment for September should have been $691. As demonstrated above, the Appellant did not receive a shelter/utility deduction because her shelter/utility costs did not exceed 50% of her adjusted income. The preponderance of the evidence showed that the shelter/utility deduction of zero ($0) dollars was correct.

The Appellant contends that the notices she received which stated that her shelter/utility deduction would be zero ($0) were incorrect because they do not show how that amount was arrived at and do not show her rent amount of $1,300. However, the preponderance of the evidence showed that the shelter/utility deduction was calculated correctly as described above, although the notice does not show all the steps of the calculation.

Additionally, the Appellant contends that her shelter/utility deduction is incorrect because it will change from zero ($0) dollars for September, to $10.20 for October. On August 31, 2026, the Appellant received a notice stating that her SNAP shelter/utility deduction would be $10.20 beginning October 1, 2026. The Respondent's representative, Kristyne Hoskins, testified that the maximum SNAP allotment, the standard deduction, and the utility standard will change effective October 1, 2026, due to a change in the federal regulations.

Generally, when the standard deduction and utility standard amounts increase, and a recipient's income and shelter costs remain the same, a recipient's SNAP allotment increases, because the overall effect is to make the recipient's countable income lower. Generally, when the maximum allotment increases, a recipient's SNAP allotment increases. The preponderance of the evidence showed that, because the standard deduction will go up to $308, the utility standard will go up to $536, and the maximum allotment will go up to $1,841, but the Appellant's income and shelter costs will stay the same, the Appellant's shelter/utility deduction will be $10.20 in October. This calculation can be arrived at by using the steps described above. The Respondent correctly calculated the Appellant's shelter/utility deduction for October 2026.

WV WORKS AG composition and income limit

The Appellant contests the determination by the Respondent that her income exceeded the eligibility limit for SCA. On August 14, 2026, the Respondent notified the Appellant that her income was too much to receive SCA benefits and that her minor children [redacted] and [redacted] did not meet eligibility requirements. The Appellant contends that her household includes eight (8) people, and the income limit for a household of eight (8) people should be used to determine her eligibility. The Appellant argues that the income limit for a household of eight (8) is $5,258 and her income is below this amount.

Pursuant to policy, the Eligibility Determination Groups for SCA are the same as for WV WORKS. According to the WV WORKS section of the policy, the following individuals must be included in the AG: all minor, dependent, blood-related, and adoptive siblings who live in the same household, and their parents when the parents live with the children. Ms. Hoskins testified that the Appellant's oldest daughter was nineteen (19) years of age at the time of the SCA determination.

Federal regulations define a minor as a person who has not attained 18 years of age, or who has not attained 19 years of age and is a full-time student in a secondary school. The Appellant's oldest daughter who, is nineteen (19) years old, is not a minor, so she is not included in the WV WORKS AG. The Appellant's grandson is not her child and is not a sibling of the other children, so he is not included in the Appellant's AG. The Appellant's oldest daughter and grandson are excluded from her AG according to WV WORKS policy, and therefore, SCA purposes. Because the

Appellant's AG for purposes of the SCA program only includes her minor children and the parents, the AG size is six (6).

Pursuant to the IMM, in calculating income eligibility for SCA, all WV WORKS income requirements in Chapter 4 apply. If the gross non-excluded income is equal to or greater than 130% of the federal poverty level (FPL), the family is ineligible for SCA. Pursuant to the IMM, the Gross 130% for six (6) persons is $4,675. The Appellant's monthly income during the relevant period was $4,949.51. This exceeded the Gross 130% for an AG of six (6). The Respondent correctly determined that the Appellant was not eligible for SCA.

The Appellant argues that the way her AG composition was determined for SCA does not make sense because receipt of SCA benefits affects the entire household. The Board of Review cannot pass judgement the policy, but can only determine whether the policy as it existed at the time of the Respondent's determination was applied correctly to the Appellant's situation. The Respondent correctly determined that the Appellant's AG for SCA was six (6) and that her income exceeded the eligibility limit for an AG of that size.

CONCLUSIONS OF LAW

1) Children under age twenty-two (22), living with a parent, must be included in the SNAP AG. In addition, a group of individuals who live together, and who customarily purchase food and prepare meals together, is an AG. The Appellant lives with her five (5) children, one (1) grandchild, and [redacted], and for purposes of SNAP calculations, the Appellant's AG is eight (8).

2) Monthly SNAP allotments are determined by an AG's countable income after allowable deductions have been applied, and the Appellant's gross earned income was $4,949.51 per month.

3) Allowable deductions include a shelter/utility deduction when the SNAP recipient's costs for shelter and the standard utility allowance exceed 50% of the adjusted income. For the September SNAP calculation, because the Appellant's shelter and utility costs of $1,818 did not exceed 50% of adjusted income, which was $1,830.30, the Appellant's shelter/utility deduction was zero ($0).

4) The standard deduction, standard utility allowance, and maximum SNAP allowance will increase as of October 2026, and the Respondent correctly calculated that this will cause the Appellant's shelter/utility deduction to increase from zero ($0) in September, to $10.20 in October 2026.

5) Household size and income for SCA are based on WV WORKS, and WV WORKS only counts the Appellant's minor children and the parents as part of the Appellant's AG. Because the Appellant's oldest daughter is not a minor, and because her grandson is not her child, they are not included in the Appellant's AG for SCA purposes. The Appellant's AG for SCA is six (6).

6) Gross 130% of the federal poverty level for a household of six (6) is $4,675 per month, and the Appellant's July gross non-excluded monthly income of $4,949.51 exceeded that amount. The Respondent correctly determined that the Appellant was not eligible for SCA.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's August 31, 2026 determination of the Appellant's shelter/utility deduction used to calculate her SNAP allotment. Further, the Respondent's determination that the Appellant was not eligible for SCA because her income exceeded the income limit for an AG of six (6) is **UPHELD**.

ENTERED this 25th day of September 2026.

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Amy Hayes
State Hearing Officer
Member, Board of Review