WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted]

Appellant,

v. **Action Numbers: 26-BOR-2726, 26-BOR-2727 & 26-BOR-2728**

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 October 21, 2026.

The matter before the Hearing Officer arises from the Respondent's denial of Supplemental Nutrition Assistance Program (SNAP), Medicaid and West Virginia School Clothing Allowance benefits as outlined in Notices of Decision dated August 25, 2026.

At the hearing, the Respondent appeared by Christie Goff, Economic Service Worker, WV DoHS. The Appellant was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hand-written income verification and [redacted] income screenshots for [redacted]
- D-2 Notices of Decision dated August 25, 2026
- D-3 Electronic mail transmissions between Erica Ellison, Sarah Fluharty and Bureau for Family Assistance policy unit dated September 9, 2026, and September 11, 2026

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), West Virginia School Clothing Allowance (WVSCA), and Medicaid benefits.

2) The Respondent interviewed the Appellant for her application on July 31, 2026.

3) The Appellant and her husband have been employed as independent contractors/grocery shoppers for [redacted] since June 5, 2026.

4) The Respondent pended the Appellant's application for verification of income for the period of June 21, 2026, through July 20, 2026.

5) On or about August 13, 2026, the Appellant provided self-attested written statements of income and expenses for the contract work (Exhibit D-1).

6) The written statements list "June 2026 Income" as $747.36 and "July 2026 Income" as $712.59 for the Appellant, as well as expenses (total income of $1,459.95 less expenses) (Exhibit D-1).

7) The written statements list "June 2026 Income" as $699.07 and "July 2026 Income" as $724.40 for [redacted], as well as expenses (total income of $1,423.47 less expenses) (Exhibit D-1)

8) The Respondent's worker contacted the Appellant, requested that the Appellant provide [redacted] company printouts to verify income, and gave the Appellant 10 additional days to provide the verification.

9) On or about August 18, 2026, the Respondent received the Appellant's [redacted] internet screenshots to verify income (Exhibit D-1).

10) The [redacted] statements contain no identification for the [redacted] contractors (Exhibit D-1).

11) One [redacted] statement shows $1,841.24 in income for the period of June 8, 2026, through July 26, 2026, and the second statement shows $1,399.95 in income for the period of June 8, 2026, through July 26, 2026 (Exhibit D-1)

12) The Respondent's worker informed the Appellant that she required additional verification as the [redacted] statements contained no identifying information and the amounts on the two [redacted] statements did not align with amounts on the Appellant's written statement of income.

13) No additional information was provided by the Appellant.

14) On August 24, 2026, the Respondent denied the Appellant's application.

15) The Respondent sent Notices of Decision to the Appellant on August 25, 2026, informing her of the SNAP, School Clothing Allowance, and Modified Adjusted Gross Income (MAGI) Adult Medicaid denials (Exhibit D-2).

APPLICABLE POLICY

7 Code of Federal Regulations Section 273.2(f)(5), states, in part:

> 5) ***Responsibility of obtaining verification.***
>
> (i) The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information. The State agency must assist the household in obtaining this verification provided the household is cooperating with the State agency as specified under paragraph (d)(1) of this section. Households may supply documentary evidence in person, through the mail, by facsimile or other electronic device, or through an authorized representative. The State agency must not require the household to present verification in person at the SNAP office. The State agency must accept any reasonable documentary evidence provided by the household and must be primarily concerned with how adequately the verification proves the statements on the application. However, the State agency has primary responsibility for verifying fleeing felon and parole or probation violator status in accordance with § 273.11(n). If a SNAP applicant's attestation regarding disqualified felon status described in § 273.2(o) is questionable, the State agency shall verify the attestation. Each element of a questionable attestation—that the individual has been convicted of a crime listed at § 273.11(s), and that the individual is not in compliance with the terms of their sentence—shall be verified by the State agency. The State agency shall determine whether an attestation is questionable based on the standards established under § 273.2(f)(2)(i). In conducting verifications of questionable attestations under this paragraph, the State agency shall establish reasonable, consistent standards, evaluate each case separately, and document the case file accordingly.

7 Code of Federal Regulations Section 273.2(f)(2), states, in part:

> 2) ***Verification of questionable information.***
>
> (i) The State agency shall verify, prior to certification of the household, all other factors of eligibility which the State agency determines are questionable and affect the household's eligibility and benefit level. The State agency shall establish guidelines to be followed in determining what shall be considered questionable information. These guidelines shall not prescribe verification based on race, religion, ethnic

background, or national origin. These guidelines shall not target groups such as migrant farmworkers or American Indians for more intensive verification under this provision.

West Virginia Income Maintenance Manual Chapter 7.3.1.41 states that earned income must be verified for all programs with an income test. Self-employment records are an acceptable form of verification for self-employment income.

West Virginia Income Maintenance Manual Chapter 7.2.1 states that verification of a client's statement is required when:

- Policy requires routine verification of specific information.
- The information provided is questionable. To be questionable, it must be:
    - Inconsistent with other information provided; or
    - Inconsistent with the information in the case file; or
    - Inconsistent with information received by the Department of Human Services (DOHS) from other sources; or
    - Incomplete; or
    - Obviously inaccurate; or
    - Outdated.
- Past experience with the client reveals a pattern of providing incorrect information or withholding information. A case recording must substantiate the reason the Worker questions the client's statement.
- The client does not know the required information.

West Virginia Income Maintenance Manual Chapter 7.2.4 states that the worker has the following responsibilities in the verification process:

- At application, redetermination, and anytime a DFA-6 is used, the Worker must list all required verification known at the time. The Worker should only request additional verification if information provided is incomplete or additional information is necessary to determine eligibility…
- The Worker must accept any reasonable documentary evidence as verification and must not require a specific kind or source of verification. Verification may be submitted in person, by mail, by fax, or electronically.

• The Worker must not request verification if the case record or other documentation shows that verification has previously been supplied. It may, however, be requested if the verification provided or shown in the Department's records is incomplete, inaccurate, outdated, or inconsistent with recently reported information…

West Virginia Income Maintenance Manual Chapter 7.2.3 states:

> The primary responsibility for providing verification rests with the client.
>
> It is an eligibility requirement that the client cooperate in obtaining necessary verifications, with an exception being that a client must never be asked to provide verification that he is or is not either a fleeing felon or a probation/parole violator. The client is expected to provide information to which he has access and to sign authorizations needed to obtain other information.
>
> Failure of the client to provide necessary information or to sign authorizations for release of information results in denial of the application or closure of the active case, provided the client has access to such information and is physically and mentally able to provide it.
>
> Refusal to cooperate, failure to provide necessary information, or failure to sign authorizations for release of information, provided the client has access to such information and is physically and mentally able to provide it, may result in one of the following:
>
> • Denial of the application
>
> • Closure of the assistance group (AG)
>
> • Determination of ineligibility
>
> • Disallowance of an income deduction or an incentive payment

West Virginia Income Maintenance Manual Chapter 4.4.1.B addresses the consideration of income for SNAP purposes:

> **4.4.1.B Consideration of Past Income**
>
> The worker must consider information about the client's income sources before deciding which income to use. The Worker must follow the steps below for each old income source.
>
> Step 1: Determine the amount of income received by all persons in the Income Group (IG) in the 30 calendar days prior to the application/redetermination date, or interview date when the interview is completed on a different day than when the application is received. The appropriate time period is determined by

counting back 30 days beginning with the calendar day prior to the date of application/redetermination. However, if the interview is completed on a different day than when the date the application/redetermination is received, the 30-day look-back period could begin the day before the interview date. The income from this 30-day period is the minimum amount of income that must be considered. When, in the Worker's judgment, future income may be more reasonably anticipated by considering the income from a longer period of time, the Worker considers income for the time period he determines to be reasonable. Whether the Worker considers income from the prior 30 days, or from a longer period of time, all of the income received from that source during that time period must be considered. All pay periods during the appropriate time period must be considered and must be consecutive.

If the client provided sufficient income verification on the date the application/redetermination is received, then additional verification is not required at interview…

Step 2: Determine if the income from the previous 30 days is reasonably expected to continue into the new certification period. If it is not expected to continue, the income from this source is no longer considered for use in the new certification period. If it is expected to continue, determine if the amount is reasonably expected to be more or less the same. If so, the income source is used for the new certification period and treated according to Section 4.4.1.D below. If it is not expected to continue at more or less the same amount, the income source is used for the new certification period and treated according to Section 4.4.1.C below.

Step 3: Record the results of Step 2, including the amount of income, why the source is or is not being considered for the new certification period, the client's statement about continuation of the income from this source, the time period used, and, if more than the previous 30 days, the reason additional income was considered.

Once the Worker has determined all of the old sources of income to consider and the time period for which they are considered, he must then determine if any source should be considered for future income.

West Virginia Income Maintenance Manual Chapter 4.4.2.D addresses the consideration of self-employment income for SNAP:

4.4.4.D.2 Determining Gross Profit

Gross profit from self-employment is the income remaining after deducting any identifiable costs of doing business from the gross income.

➢ Deductions

Examples of allowable deductions include, but are not limited to:

• Employee labor costs, including wages paid to an AG member and any salary the client pays himself. When paid to an AG member, the income must be considered according to the provisions in Section 4.3.

• Stock and supplies

• Raw material

• Seed

• Fertilizers

• Repair and maintenance of machinery and/or property

• Cost of rental space used for conducting the business

• Payments on the principal and interest of the purchase price of income-producing real estate and capital assets, equipment, machinery, and other durable goods

• Insurance premiums and taxes paid on the business and income-producing property

• The utilities, principal, interest, and taxes for the client's residence which is used in part to produce income. This is applicable only if the expenses on the portion of the home used in the self-employment enterprise can be identified separately. See Shelter/Utility Deduction above. The total deduction given for shelter and/or expense of doing business must not exceed the actual expense.

• Advertising costs

• Utilities

• Office expenses, (i.e., stamps, stationery, etc.)

• Legal costs

• Net Loss from self-employment farming.

Do not deduct the following:

• Federal, State, or local income taxes

• Money set aside for retirement

• Travel from home to a fixed place of business and return

• Depreciation

• Amounts claimed as a net loss, except loss from farming self-employment.

West Virginia Income Maintenance Manual Chapter 4.7.5 addresses self-employment income consideration for MAGI Adult Medicaid:

> 4.7.5.A Income from Self-Employment
>
> When a member of the MAGI household IG receives self-employment income, the instructions below must be used to arrive at the gross profit, which is used to calculate countable income. Countable income is determined by subtracting allowable business expenses from the gross income.
>
> 4.7.5.A.1 Determining Gross Income
>
> The method used to determine monthly gross income from self-employment varies with the nature of the enterprise. It is necessary to determine which of the following types of self-employment applies to the client's situation. Once the pattern of self-employment is determined, the instructions below are used to determine how the income is counted.
>
> ➢ Persons Receiving Regular Income
>
> Persons receiving regular income are persons who receive income on a more or less regular schedule (weekly, monthly, etc.), or receive a specific amount from the business each week or month and/or receive the balance of profit from the enterprise at the end of the business year. This income is converted to a monthly amount according to the Budgeting Method in Section 4.6.1. Business expenses may be computed on a monthly basis or prorated over a 12-month period, at the client's option.
>
> 4.7.5.A.2 Determining Gross Profit
>
> Gross profit from self-employment is the income remaining after deducting any identifiable costs of doing business from the gross income. The instructions below must be used to arrive at the gross profit, which is used to calculate countable income. These instructions are based upon the IRS Forms used by self-employed individuals to file federal taxes on their self-employment income.
>
> Income from self-employment is calculated by totaling the following items, as described on the IRS Forms:
>
> • Add payment cards and third-party network transactions.

• Add gross receipts or sales (separate from items reported above).

• Add income that results from “Statutory Employee” status. If an individual’s income results from such a status, they would receive a W-2 for the year that has the “Statutory Employee” box checked.

• Add any other form of income received by the business.

• Subtract returns, allowances, and other adjustments.

• Subtract the cost of goods sold, calculated using the following methodology:

  o Add value of inventory at the beginning of the period under consideration.

  o Add purchases (disregarding cost of items withdrawn for personal use).

  o Add labor costs (disregarding amounts paid to oneself).

  o Add materials and supplies.

  o Add other costs.

  o Subtract value of inventory at the end of the period under consideration.

• Subtract the expenses related to the business’ operations. The following expenses can be deducted:

  o Advertising

  o Car and truck expenses

  o Commissions and fees

  o Contract labor

  o Depletion

  o Depreciation and section 179 expense deduction

  o Employee benefit programs

  o Insurance (not including health insurance)

  o Interest (mortgage and from other loans)

  o Legal and professional services

o Office expenses

o Pension and profit-sharing plans

o Rent or lease (includes vehicles, machinery, equipment, and other business property)

o Repairs and maintenance

o Supplies

o Taxes and licenses

o Travel, meals, and entertainment

o Utilities

o Wages

o Any other business-related expenses

• Subtract the business' expenses from its income to arrive at the self-employment income profit or loss for the individual.

West Virginia Income Maintenance Manual Chapter 19.3.5 addresses income requirements for WVSCA:

> All WV WORKS income requirements in Chapter 4 apply. No deductions or disregards are applied. For SCA, income eligibility is based only on 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.

West Virginia Income Maintenance Manual Chapter 4.5.4.A addresses the consideration of self-employment income for WV WORKS:

> When an AG member or a disqualified individual(s) receives income from self-employment, the instructions below must be used to arrive at the gross profit that is used to calculate countable income. This is determined by subtracting allowable business expenses from the gross income.
>
> The method used to determine monthly gross income from self-employment varies with the nature of the enterprise. It is necessary to determine which of the following types of self-employment applies to the client's situation. Once the

pattern of self-employment has been determined, the instructions below are used to determine how the income is counted.

➢ Person Receiving Regular Income

Persons receiving regular income are persons who receive income as profit on a more or less regular schedule (weekly, monthly, etc.), or receive a specific amount from the business each week or month and/or receive the balance of profit from the enterprise at the end of the business year. This income is converted to a monthly amount, according to Section 4.5.1. Business expenses may be computed on a monthly basis or prorated over a 12-month period, at the client's option.

DISCUSSION

Policy states that verification of a client's statement is required when information provided is inconsistent with other documentation provided. The worker must accept any reasonable documentary evidence as verification and must not require a specific kind or source of verification. Failure to supply necessary verification can result in denial of an application.

Christie Goff, Economic Service Worker for the Respondent, testified that the Department calculated [redacted] income by totaling all income on the [redacted] printouts for June and July (June 8, 2026 through July 26, 2026). Ms. Goff pointed out that the [redacted] income was calculated for comparison; however, the [redacted] statements do not contain the names of the contractors and, therefore, were deemed as unacceptable verification by the Respondent. In addition, the amounts on the [redacted] income printouts did not align with the Appellant's written statements of income.

The Appellant testified that her written income statements only included income for the period the Respondent had requested during her application (June 21, 2026, through July 20, 2026). She stated that the [redacted] system does not list the contractor's name at the top of the income screen but includes the name on the [redacted] dashboard on another screen. The Appellant stated that she just started work as a [redacted] contractor in June 2026 and does not yet have tax documentation.

The Appellant provided credible testimony that the [redacted] statements she supplied belong to her and her husband. Therefore, [redacted] income for the period of June 8, 2026, through July 26, 2026, was verified and information on the statements should be used to calculate countable income in accordance with program policies. As there is no information to indicate that the Respondent requested documentation to verify self-employment expenses for the months of June and July 2026, the Appellant must be afforded an opportunity to supply the documentation for a self-employment income deduction.

As the Appellant provided verification of income for the months of June and July 2026, the Respondent's decision to deny the Appellant's SNAP, Medicaid, and West Virginia School Clothing Allowance application cannot be affirmed.

CONCLUSIONS OF LAW

1) Policy states that failure to supply required verification can result in application denial.

2) The Appellant verified income received by herself and her husband for the months of June and July 2026 with screen printouts from the [redacted] system.

3) The Appellant must request documentation of self-employment expenses for June and July 2026 to determine income deductions for those months.

4) The Respondent's decision to deny the Appellant's SNAP, Medicaid, and West Virginia School Clothing Allowance application is incorrect.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's action to deny the Appellant's application for SNAP, Medicaid, and School Clothing Allowance benefits. The issue is **REMANDED** to the Respondent to request verification of self-employment expenses and calculate self-employment income.

ENTERED this 28th day of October 2028.

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Pamela L. Hinzman
State Hearing Officer