WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted]

Appellant,

v. **Action Number: 26-BOR-2719**

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 30, 2026.

The matter before the Hearing Officer arises from the Respondent's August 31, 2026 decision regarding the amount of the Appellant's monthly Supplemental Nutrition Assistance Program (SNAP) benefit allotment.

At the hearing, the Respondent appeared by Carrie Casto, DoHS. The Appellant appeared and was self-represented. All witnesses were placed under oath, and the following documents were admitted into evidence.

Department's Exhibits:
D-1 SNAP review form, received on July 25, 2025
D-2 PATH screenprint
D-3 August 2025 income verification
D-4 Appellant's Lease
D-5 PATH Interim Contact Form, received on January 26, 2026
D-6 PATH SNAP budget for March 2026
D-7 Medicaid review form, received on June 25, 2026
D-8 Income verification provided on July 4, 2026
D-9 PATH screen print
D-10 PATH SNAP budget screen print, September 2026
D-11 PATH screen of income verification provided on July 27, 2026

D-12 Income verification provided on July 27, 2026
D-13 SNAP and Medicaid review form, received on August 21, 2026
D-14 Income verification provided on August 26, 2026
D-15 PATH screen print
D-16 PATH SNAP budget screen print for October 2026 eligibility
D-17 Case Comments, June through August, 2026
D-18 West Viginia Income Maintenance Manual (WVIMM) excerpt
D-19 WVIMM Chapter 4 excerpt

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 was approved for an $810 monthly Supplemental Nutrition Assistance Program (SNAP) benefit allotment for a four-person Assistance Group (AG), from March through July 2026. The SNAP allotment was based on the AG's $1,975.12 gross monthly income. (Exhibit D-6)

2) The Appellant's housing expenses included $1,100 monthly rent. (Exhibit D-4)

3) On June 25, 2026, the Appellant completed a Medicaid review and crossed out the pre-populated income information for her spouse, [redacted] (Exhibits D-7 and D-17)

4) On July 4, 2026, the Appellant submitted paystubs which revealed an hourly increase in pay for [redacted]. (Exhibits D-8 and D-17)

5) On July 7, 2026, the Appellant was notified in writing that the household's monthly SNAP benefit allotment would decrease to $502, effective on August 1, 2026. (Exhibit D-10)

6) On July 27, 2026, the Appellant submitted new income verification, which resulted in an increase in the AG's monthly SNAP income allotment. (Exhibit D-12)

7) On August 21, 2026, the Appellant submitted her combined SNAP and Medicaid review form.

8) On the review form, the Appellant made no changes to the pre-populated income information supplied on the form. The SNAP review form indicated that [redacted] received $696.18 in weekly earned income for an average of 38 hours per week at Cabela's. (Exhibit D-13)

9) On August 26, 2026, the Appellant submitted income verification which demonstrated [redacted] earned gross income including: $2.00 for pay period July 19 through July 25,

2026; $662.30 for pay period July 26, through August 1, 2026; $696.39 for pay period August 2 through August 8, 2026; $698.63 for pay period August 9 through August 15, 2026. (Exhibit D-14)

10) The Respondent excluded the AG's irregular $2.00 pay when determining the Appellant's ongoing SNAP allotment. (Exhibits D-15 and D-17)

11) On August 31, 2026, the Respondent issued a notice advising the Appellant the AG was eligible for $518 in monthly SNAP allotment for September 1, 2026, and was eligible for $555 in monthly SNAP allotment, beginning on October 1, 2026. The Respondent considered $2,948.83 in gross earned income when determining the AG's SNAP allotment. (Exhibit D-17)

12) The Appellant's September SNAP allotment was determined using established Food and Nutrition Service guidelines from October 2025 through September 2026. The October SNAP allotment was determined using established FNS guidelines from October 2026 through September 2027.

13) When determining the AG's SNAP allotment for October 1, 2026, the Respondent applied: a $589.76 earned income deduction; a $229 standard deduction; and a $570.97 shelter/utility deduction. After all deductions were applied, the AG's calculated net adjusted income was $1,559.10.

APPLICABLE POLICY

Code of Federal Regulations 7 CFR § 273.9 ***Income and deductions*** provides that net and gross income eligibility standards shall be based on the Federal income poverty levels.

Code of Federal Regulations 7 CFR § 273.10 ***Determining household eligibility and benefit levels*** provides in the relevant sections:

(a) *Month of application –*

(1) *Determination of eligibility and benefit levels.*

i. A household's eligibility shall be determined for the month of application by considering the household's circumstances for the entire month of application. Most households will have the eligibility determination based on circumstances for the entire calendar month in which the household filed its application …

1) *Application for recertification*. Eligibility for recertification shall be determined based on circumstances anticipated for the certification period starting the month following the expiration of the current certification period. The level of benefits for recertifications shall be based on the same anticipated circumstances …

(d) *Determining deductions.* Deductible expenses include only certain dependent care, shelter, medical and, at State agency option, child support costs ….

(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 earned and unearned income of all household members, minus income exclusions, to determine the household's total gross income …

C. Subtract the standard deduction

D. If the household is entitled to an excess medical deduction, determine if total medical expenses exceed $35. If so, subtract that portion which exceeds $35….

E. 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% 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 (e)(1)(i)(l) of this section.

F. 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 application 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.

ii. In calculating net monthly income, the State agency shall use one of the following procedures:

A. Round down each income and allotment calculation that ends in 1 through 49 cents and round up each calculation that ends in 50 through 99 cents; or

B. Apply the rounding procedure that is currently in effect for the State's Temporary Assistance for Needy Families (TANF) program.

(2) *Eligibility and benefits –*

i.

A. Households that contain an elderly or disabled member shall have their net income, as calculated in paragraph (e)(1) of this section compared to the monthly income eligibility standards defined in § 273.9(a)(2) for the appropriate household size to determine eligibility for the month.

ii.

A. The household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30% of the household's net monthly income. If 30 percent of the household's net income ends in cents, the State agency shall round in the following ways:

(1) The state agency shall round the 30 percent of net income up to the nearest higher dollar; or

(2) The State agency shall not round the 30 percent of the net income at all. Instead, after subtracting the 30 percent of net income from the appropriate Thrifty Food Plan, the State agency shall round the allotment down to the nearest lower dollar.

(4) Thrifty Food Plan (TFP) and Maximum SNAP Allotments.

i. The TFP amounts and maximum allotments in each area are adjusted annually and will be prescribed in a table posted on the FNS website at www.fns.usda.gov/fsp. [From October 1, 2025, through September 30, 2026, for a four-person household $994 is the maximum monthly allotment. (www.fns.usda.gov/snap/recipient/eligibility)].

[From October 1, 2026, through September 30, 2027, for a four-person household $1,023 is the maximum monthly allotment. (www.fns.usda.gov/snap/recipient/eligibility)].

West Virginia Income Maintenance Manual (WVIMM) § 1.2.2.B *Redetermination Process* provides that periodic reviews of total eligibility for recipients are mandated by federal law. These are redeterminations and take place at specific intervals, depending on the program or Medicaid coverage group.

WVIMM § 4.3.1.30.j *Charts of Income Sources — Chart 1* provides that for determining SNAP eligibility, wages are counted as earned income.

WVIMM § 4.4.2.B.2 *Standard Deduction* provides that 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.

WVIMM Chapter 4 Appendix B – *Standard Deductions and Allowances for SNAP* provides that beginning on October 1, 2026, for a one to four-person AG, the standard deduction is $229, the Non-Heating Cooling Standard (NHCS) is $342, and the Heating/Cooling Standard (HCS) is $536.

WVIMM § 4.4.2.B.7 *Shelter/Utility Deduction* provides that 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.

WVIMM § 4.4.2.C *Shelter Expense* provides that items considered in arriving at shelter expenses include continuing amounts of rent.

WVIMM § 4.4.2.C.1 *Standard Utility Allowance (SUA)* provides that 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 their 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.

WVIMM § 4.4.3.C *Determining the Amount of the Benefit* provides that to determine the SNAP allotment, find the countable income and the maximum benefit allotment for the AG in Appendix A. One-person or two-person AGs who are categorically eligible automatically receive the minimum SNAP benefit. The Worker will determine the benefit amount by using the following method:

Multiply net income by 30% (round up):

EXAMPLE: $ 554 Net monthly Income
x .30
$ 166.30 = $167

Subtract 30% of the net income as calculated from the maximum monthly benefit for the AG size.

EXAMPLE: $973 Maximum Allotment for four
- 167 30% of net income
$806 SNAP benefit for a full month

WVIMM § 4.4.1.D *How to Use Past and Future Income* provides that the Worker determines the amount of monthly income based on the frequency of receipt and whether the amount is stable or fluctuates. When income is received more often than monthly (such as weekly), and the amount fluctuates, the Worker must find the average amount per period and convert to a monthly amount.

To convert weekly pay into a monthly amount, multiply an actual or averaged amount by 4.3.

NOTE: The purpose of finding an average amount of fluctuating income is to even out the highs and lows in the amount of income ….

WVIMM § 4.4.2.B.1 *Earned Income Disregard* provides that twenty percent (20%) if gross countable earned income is disregarded.

WVIMM Chapter 4 *Appendix A-Income Chart* provides the maximum benefit allotment for a four-person AG $1,023.

DISCUSSION

On August 31, 2026, the Respondent issued a notice advising the Appellant of her monthly SNAP allotment amount. The Appellant requested a fair hearing in protest of the Respondent's calculation of the AG's ongoing monthly SNAP allotment as a result of her SNAP eligibility review.

According to the policy, the Appellant is required to comply with periodic reviews of SNAP eligibility. The presented evidence revealed that the Appellant completed her SNAP eligibility review and verified the household's income during the review. The Board of Review cannot pass judgement on the policy and can only determine if the Respondent correctly applied the policy

when determining the amount of the Appellant's SNAP benefit allotment. To prove that the Appellant's SNAP benefit allotment was correctly decided, the Respondent had to demonstrate by a preponderance of evidence that the Appellant's income and deductions were correctly applied.

Allotment Amount

During the hearing, the Appellant argued that the net income, not the gross income should be considered, but did not dispute the amount of income provided to verify her income when determining the AG's monthly SNAP allotment. Pursuant to the policy, gross income must be considered. Because FNS updates applied for October eligibility and ongoing, the Respondent applied eligibility standards effective on October 1, 2026.

Information supplied during the hearing did not indicate that the Appellant was eligible for additional deductions. According to the policy, the SNAP allotment is calculated as follows:

When income is received more often than monthly (such as weekly), and the amount fluctuates, the Worker must find the average amount per period and convert to a monthly amount.

$ 662.30	August 7, 2026 pay
696.39	August 14, 2026 pay
698.63	August 21, 2026 pay
$2,057.32	

$2,057.32 ÷ 3 = $685.7733333333333 (Average amount of weekly pay)

To convert weekly pay into a monthly amount, multiply an actual or averaged amount by 4.3.

$685.7733333333333 X 4.3 = $2,948.825333333333

Pursuant to the policy, twenty percent of the gross countable earned income is disregarded:

$2,948.825333333333 X .20 = $589.7650666666667 (20%)

$2,948.825333333333	Gross earned income
- 589.7650666666667	Earned income disregard
$2,359.060266666666	

The standard income deduction is applied to the AG's income:

$2,359.060266666666	
- 229	Standard Deduction
$2,130.060266666666	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. The Respondent testified regarding the amount of

the household's shelter costs and the Appellant did not contest the amount asserted. During the hearing, the Appellant affirmed that her rent was $1,100. The HCS at the time was $536.

$ 1,100	The Appellant's shelter costs
+ 536	Utility Standard
$1,636	Shelter/utility costs

The policy instructs that 50% of the adjusted income must be subtracted from the shelter/utility costs:

> $2,130.060266666666 adjusted income ÷ 2 = $1,065.030133333333 (50% adjusted income)

To determine the amount of excess shelter utility costs, 50% of the adjusted income is subtracted from the shelter/utility costs:

$1,636	Shelter/utility costs
-1,065.030133333333	50% of the adjusted income
$ 570.969866666667	Excess shelter/utility costs (shelter/utility deduction)

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

$2,130.060266666666	Adjusted income
- 570.969866666667	Shelter/utility deduction
$1,559.090399999999	Net adjusted income

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

> 1,559.090399999999 X .30 = 467.7271199999997 (30% of net income)

Under the regulations, if 30% of the household's net income ends in cents, the State agency shall round the 30% of net income up to the nearest higher dollar; or not round the 30% of the net at all. Instead, after subtracting the 30% of 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 October 2026, the maximum allotment for a four-person household was $1,023.

$1, 023	Maximum SNAP allotment
-467.7271199999997	30% of net adjusted income
$555.2728800000003	

After rounding the allotment amount down to the nearest lower dollar, the Appellant's monthly SNAP benefit allotment was $555, as calculated by the policy. This amount is consistent with the Respondent's allotment decision.

CONCLUSIONS OF LAW

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

2) The preponderance of evidence demonstrated that the Respondent correctly attributed the AG's verified income when calculating the Appellant's SNAP allotment.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision regarding the amount of the Appellant's SNAP calculation.

ENTERED this 6th day of October 2026.

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Tara B. Thompson, MLS
Certified State Hearing Officer