WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted]

Appellant,

v. **Action Number: 26-BOR-2747**

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 October 6, 2026, on an appeal filed with the Board of Review on September 14, 2026.

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

At the hearing, the Respondent appeared by Colleen Canada, [redacted] County DoHS. The Appellant was self-represented. The witnesses were placed under oath, and the following documents were admitted into evidence.

Department's Exhibits:

None

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 received SNAP benefits for a two-person assistance group.

2) In March 2026, the Appellant underwent a SNAP eligibility review.

3) The Appellant receives WV WORKS caretaker relative cash assistance on behalf of her grandson, [redacted], of $417 monthly.

4) The Respondent used paystubs dated March 13 and March 27, 2026, to determine the Appellant's gross earned income as $2547.47 monthly.

5) The Appellant pays $627 monthly in rent and was given the Heating/Cooling Standard Utility Allowance.

6) The Appellant does not pay dependent care expenses, child support or monthly medical expenses.

7) The Respondent sent a notice to the Appellant on August 31, 2026, advising that her monthly SNAP allotment would increase from $24 to $25 effective October 1, 2026.

8) The Appellant appealed the Respondent's determination of her monthly SNAP allotment.

APPLICABLE POLICY

Code of Federal Regulations – 7 CFR §273.9 provides information regarding SNAP income and deductions:

> *(a)* ***Income eligibility standards.*** Participation in SNAP shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for SNAP. Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for SNAP. Households which are categorically eligible do not have to meet either the gross or net income eligibility standards.
> (1) The **gross income eligibility** standards for SNAP shall be as follows:
> (i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia.
> (2) The net income eligibility standards for SNAP shall be as follows:
> (i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be the Federal income poverty levels for the 48 contiguous States and the District of Columbia.

(3) The income eligibility limits, as described in this paragraph, are revised each October 1 to reflect the annual adjustment to the Federal income poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii.
(i) 130 percent of the annual income poverty guidelines shall be divided by 12 to determine the monthly gross income standards, rounding the results upwards as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is multiplied by 130 percent, divided by 12, and the results rounded upward if necessary.
(ii) The annual income poverty guidelines shall be divided by 12 to determine the monthly net income eligibility standards, rounding the results upward as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is divided by 12, and the results rounded upward if necessary.
(d) ***Income deductions.*** Deductions shall be allowed only for the following household expenses:
(1) ***Standard deduction*** —
(i) 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.
(2) ***Earned income deduction.*** Twenty percent of **gross earned income** as defined in paragraph (b)(1) of this section. Earnings excluded in paragraph (c) of this section shall not be included in gross earned income for purposes of computing the earned income deduction, except that the State agency must count any earnings used to pay child support that were excluded from the household's income in accordance with the child support exclusion in paragraph (c)(17) of this section.
(3) ***Excess medical deduction.*** That portion of medical expenses in excess of $35 per month, excluding special diets, incurred by any household member who is elderly or disabled as defined in §271.2. Spouses or other persons receiving benefits as a dependent of the SSI or disability and blindness recipient are not eligible to receive this deduction but persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction.
(4) ***Dependent care.*** Payments for dependent care when necessary for a household member to search for, accept or continue employment, comply with the employment and training requirements as specified under §273.7(e), or attend training or pursue education that is preparatory to employment, except as provided in §273.10(d)(1)(i). Costs that may be deducted are limited to the care of an individual for whom the household provides dependent care, including care of a child under the age of 18 or an incapacitated person of any age in need of care. The costs of care provided by a relative may be deducted so long as the relative providing care is not part of the same SNAP household as the child or dependent adult receiving care. Dependent care expenses must be separately identified, necessary to participate in the care arrangement, and not already paid by another source on behalf of the household.
5) ***Optional child support deduction.*** At its option, the State agency may provide a deduction, rather than the income exclusion provided under paragraph (c)(17) of this

section, for legally obligated child support payments paid by a household member to or for a non-household member, including payments made to a third party on behalf of the non-household member (vendor payments) and amounts paid toward child support arrearages. Alimony payments made to or for a non-household member shall not be included in the child support deduction.

(6) ***Shelter costs*** —

(i) ***Homeless shelter deduction.*** A State agency may provide a standard homeless shelter deduction of $143 a month to households in which all members are homeless individuals but are not receiving free shelter throughout the month. The deduction must be subtracted from net income in determining eligibility and allotments for the households.

(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. Only the following expenses are allowable shelter expenses:

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

(A) With FNS approval, a State agency may develop the following standard utility allowances (standards) to be used in place of actual costs in determining a household's excess shelter deduction: an individual standard for each type of utility expense; a standard utility allowance for all utilities that includes heating or cooling costs (HCSUA); and, 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, telephone, and garbage or trash collection. The LUA must include expenses for at least two utilities.

CFR §273.10 Determining household eligibility and benefit levels.

(e) ***Calculating net income and benefit levels*** —

(1) ***Net monthly income.***

(i) To determine a household's net monthly income, the State agency shall:

(A) Add the gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income.

(B) Multiply the total gross monthly earned income by 20 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 80 percent and add that to the total monthly unearned income, minus income exclusions.

(C) Subtract the standard deduction.

(D) If the household is entitled to an excess medical deduction as provided in §273.9(d)(3), determine if total medical expenses exceed $35. If so, subtract that portion which exceeds $35.
(E) Subtract allowable monthly dependent care expenses, if any, as specified under §273.9(d)(4) for each dependent.
(F) If the State agency has chosen to treat legally obligated child support payments as a deduction rather than an exclusion in accordance with §273.9(d)(5), subtract allowable monthly child support payments in accordance with §273.9(d)(5).
(G) Subtract the homeless shelter deduction, if any, up to the maximum of $143.
(H) Total the allowable shelter expenses to determine shelter costs. Subtract from total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction according to paragraph (e)(1)(i)(I) of this section.
(I) Subtract the excess shelter cost up to the maximum amount allowed for the area (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other applicable deductions. Households not subject to a capped shelter expense shall have the full amount exceeding 50 percent of their net income subtracted. The household's net monthly income has been determined.
(ii) In calculating net monthly income, the State agency shall use one of the following two 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. If the State TANF program includes the cents in income calculations, the State agency may use the same procedures for SNAP income calculations. Whichever procedure is used, the State agency may elect to include the cents associated with each individual shelter cost in the computation of the shelter deduction and round the final shelter deduction amount. Likewise, the State agency may elect to include the cents associated with each individual medical cost in the computation of the medical deduction and round the final medical deduction amount.
(2) ***Eligibility and benefits.***
(i) (A) Households which contain an elderly or disabled member as defined in §271.2, shall have their net income, as calculated in paragraph (e)(1) of this section (except for households considered destitute in accordance with paragraph (e)(3) 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.
(B) In addition to meeting the net income eligibility standards, households which do not contain an elderly or disabled member shall have their gross income, as calculated in accordance with paragraph (e)(1)(i)(A) of this section, compared to the gross monthly income standards defined in § 273.9(a)(1) for the appropriate household size to determine eligibility for the month.
(ii) (A) Except as provided in paragraphs (a)(1), (e)(2)(iii) and (e)(2)(vi) of this section, the household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30 percent of the household's net monthly income as

calculated in paragraph (e)(1) of this section. If 30 percent of the household's net income ends in cents, the State agency shall round in one of 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 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.
(B) If the calculation of benefits in accordance with paragraph (e)(2)(ii)(A) of this section for an initial month would yield an allotment of less than $10 for the household, no benefits shall be issued to the household for the initial month.

West Virginia Income Maintenance Manual Chapter 4 explains SNAP income eligibility and deductions:

4.2 Definitions
Countable income: The amount of income after all allowable exclusions, disregards and deductions have been applied. The eligibility and level of benefit are based on this amount.
Earned income: Income of an individual which is derived, at least in part, from compensation for physical or mental activity as part of a trade or business. Earnings include gross income from employment and gross profit from self-employment.

4.4.2.B Allowable Disregards and Deductions
The following are the only allowable disregards and deductions for the SNAP. They apply to the income of the assistance group (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.

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.3 Dependent Care Deduction
A deduction is allowed for payment for the care of a child or other dependent, when the expense is necessary for an income group member to accept, continue or seek employment or training, or pursue education that is preparatory to employment.

4.4.2.B.4 Child Support Deduction
A deduction is allowed for legally obligated child support actually paid by an AG member or disqualified individual to an individual not residing in the same household.

4.4.2.B.5 Homeless Shelter Standard Deduction
This deduction may be applied when a homeless AG incurs any shelter/utility expenses for the month. Homeless AGs that receive free housing and utilities throughout the month are not eligible for the deduction. However, if they incur any shelter or utility expenses, regardless of the amount, any time during the month, they qualify for the Homeless Shelter Standard Deduction.

4.4.2.B.6 Medical Expenses
Medical expenses in excess of $35 must be allowed as a medical deduction for AG members who are elderly, which is at least age 60, or disabled, as defined in Section 13.15. Once the medical expenses of all such AG members have been totaled, the amount of the total in excess of $35 is used as a medical deduction. Thirty-five dollars ($35) is deducted from the total amount of expenses for the AG, not $35 from each person's expenses. There is no maximum dollar limit for a medical deduction.

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. EXCEPTION: The cap on the shelter/utility deduction does not apply when the SNAP AG includes an individual who is elderly or disabled.

4.4.2.C.1 Standard Utility Allowance (SUA)
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 his 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. AGs that are not obligated to pay any utility expense are ineligible for the SUA, even if other residents pay utility expenses. Eligibility for the SUA must be evaluated at certification, redetermination, and when the AG reports a change in utilities that may affect its eligibility for a deduction.

Heating/Cooling Standard (HCS)
AGs that are obligated to pay a heating or cooling expense that is billed on a regular basis are eligible for the HCS.

Non-Heating/Cooling Standard (NHCS)
AGs that do not qualify for the HCS, but incur two or more utility expenses or at least one utility expense when sharing a residence that has two or more utilities, are eligible for the NHCS.

One Utility Standard (OUS)
AGs that do not qualify for the HCS or the NHCS, but incur one utility expense, are eligible for the OUS.

4.4.3.A Determining Eligibility
When no AG member is elderly or disabled, the gross income must be equal to, or less than, the gross income limit in Appendix A. If so, the AG qualifies for the disregards and deductions. If the gross income exceeds the amount in Appendix A, the AG is ineligible. When at least one AG member is elderly, which is at least age 60, or disabled as specified in Section 13.15, eligibility is determined by comparing the countable income to the maximum net monthly income found in Appendix A. There is no gross income test. When the AG is Categorically Eligible as defined in Chapter 1, the gross income test is presumed to be met.

4.4.3.B Determining Countable Income
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, including the WV WORKS benefit and any amount reduced or being repaid to WV WORKS due to failure to comply with a program requirement. See Section 4.4.4.
Step 4: Subtract the Standard Deduction found in Appendix B.
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 there is no elderly or disabled AG member or at least one elderly/disabled member and the Shelter/SUA expense is equal to or less than Step 9, no further computation is needed. The amount from Step 8 is the countable income. If the Shelter/SUA expense is greater than Step 9, the amount in excess of 50%, not to exceed the shelter/utility cap, in Appendix B is deducted to arrive at countable income. For households with an elderly/disable member, the amount in excess of 50% is deducted, without regard to the shelter/utility cap, in Appendix B to arrive at countable income.

Step 11: Compare the countable income to the maximum net income in Appendix A for the AG size. This net income test does not apply to Categorically Eligible AGs. See Chapter 1.

4.4.3.C Determining the Amount of 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. No benefits are issued to any AG eligible for an initial, prorated amount less than $10. 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

Chapter 4 Appendix A and Appendix B

Maximum SNAP allotment for two-person AG: $562
Standard Deduction for a two-person AG: $217
Heating/Cooling SUA for a two-person AG: $536

West Virginia Income Maintenance Manual §1.4.17.C.1 explains categorical eligibility:

When an AG has at least one member who is authorized to receive benefits from TANF-funded programs or is authorized to receive information and referral services about TANF and other department programs, the AG is categorically eligible. TANF-funded programs include WV WORKS benefits.

DISCUSSION

Pursuant to policy and federal regulations, SNAP allotments are determined by an assistance group's countable income, after all allowable deductions have been applied. The Appellant contested the Respondent's determination of her monthly SNAP allotment after completing an eligibility review.

The Appellant argued that the Respondent should not count her gross earned income since she is over age 60 and is considered elderly for SNAP. The Appellant argued that her rent is $627 a month and her electric bill averages $200 a month, yet she was only given a $44 shelter/utility deduction. The Appellant did not dispute the gross earnings from the March 13 and March 27, 2026 paystubs, but purported that the Respondent should have used her net earned income.

The Respondent used the following paystubs for the Appellant in averaging her monthly earned income:

March 13 $1,149.22

March 27 + $1,220.52
$2,369.74 divided by 2 = $1,184.87 multiplied by 2.15 = $2,547.47

The Appellant also receives WV WORKS caretaker relative cash assistance of $417 month, for a total gross income for the AG of $2,964.47.

The Appellant's monthly SNAP allotment is determined using the formula found in policy and federal regulations:

	$2,547.47	gross earned income
-	$509.49	20% earned income deduction
=	$2,037.98	remainder
+	$417	gross unearned income
=	$2,454.98	remainder
-	$217	standard deduction
=	$2,237.98	remainder

The Appellant has a shelter cost of $627 each month and pays for the heating/cooling of her home. The Appellant is entitled to the Heating/Cooling Standard Utility Allowance deduction of $536. Fifty percent of the Appellant's remaining income is $1,118.99 ($2,237.98 divided by 2), which is less than the Appellant's total shelter/utility costs of $1,163 ($627 shelter plus SUA $534). The Appellant is entitled to the difference of the shelter/utility costs and 50% of the remaining income as a shelter deduction:

	$1,163	shelter/SUA
-	$1,118.99	50% of remaining income
=	$44.01	total shelter deduction

The Appellant's countable net adjusted income, after all allowable deductions have been applied, is $2,193.97 ($2,237.98 minus $44.01). Thirty percent of the net adjusted income is subtracted from the maximum SNAP allotment for the size of the assistance group:

	$562	maximum SNAP allotment for a two-person assistance group
-	$658.19	30% of net adjusted income ($2,193.97 x 30%)
=	$0	SNAP allotment

Policy stipulates that 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. The Appellant meets the definition of categorical eligibility based on the receipt of WV WORKS caretaker relative benefits, therefore she is entitled to the minimum SNAP issuance of $25.

Federal regulations and agency policy require the consideration of gross earned income, prior to any payroll or tax deductions, to determine eligibility for SNAP and monthly allotments. While policy exempts AGs with elderly or disabled members from meeting the gross income test, or having income below the SNAP gross income limit, the elderly/disabled AG must meet the SNAP

net income limit. Based on the above calculations, the Appellant did not meet the SNAP net income limit but is considered categorically eligible and entitled to the minimum SNAP issuance of $25.

Whereas the Respondent correctly calculated the Appellant's income using gross earned income amounts, its determination of the Appellant's SNAP allotment of $25 is affirmed.

CONCLUSIONS OF LAW

1) Monthly SNAP allotments are determined by an assistance group's countable income, after all allowable deductions have been applied.

2) Policy and federal regulations require the use of gross income amounts to determine eligibility for SNAP.

3) The Appellant is over age 60 and is not required to meet the SNAP gross income limit.

4) Based on the formula found in federal regulations and policy, the Appellant's SNAP entitlement, based on her gross income after all allowable deductions have been applied, is $0.

5) The Appellant is categorically eligible for SNAP benefits based on the receipt of WV WORKS caretaker relative benefits.

6) The Appellant is eligible for the minimum SNAP issuance of $25.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent in the determination of the Appellant's monthly Supplemental Nutrition Assistance Program benefits.

ENTERED this 13th day of October 2026.

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Kristi Logan
Certified State Hearing Officer
Member, Board of Review