WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted]

Appellant,

v. **Action Number: 26-BOR-2760 SNAP**
26-BOR-2755 WVW

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 1, 2026, on an appeal filed with the Board of Review on September 16, 2026.

The matter before the Hearing Officer arises from the September 16, 2026 decision by the Respondent to terminate West Virginia WORKS (WVW) cash assistance benefits and reduce Supplemental Nutrition Assistance Program benefits.

At the hearing, the Respondent appeared by Mary Thabet, Family Support Specialist. The Appellant was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

D-1 Hearing Summary
D-2 Scheduling Order dated September 17, 2026
D-3 Notice of Decision dated September 16, 2026
D-4 Employers Statement
D-5 West Virginia Income Maintenance Manual Chapter 4 Appendix A
D-6 Case Comments
D-7 West Virginia Income Maintenance Manual Chapter 18.4.2.A.1

Appellant's Exhibits:

A-1 Hearing Summary
A-2 Transcript from [redacted]
A-3 Picture depicting Ceiling with Mold
A-4 Compliant Affidavit No.: [redacted]

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) In April 2026, the Appellant applied for WVW cash assistance benefits.

2) The household consists of the Appellant, her cohabitator and their two children.

3) The household was approved for a partial month WVW benefits for April 2026.

4) The Appellant was approved for full WVW cash assistance benefits from May 2026 through October 2026.

5) Effective August 24, 2026, the Appellant became employed with [redacted]

6) The Appellant was initially employed for 9 weekly hours at $15.00 per hour. (Exhibit D-6)

7) Effective September 15, 2026, the Appellant is employed for 31.50 weekly hours at an hourly pay rate of $15.00. (Exhibit D-4 and Exhibit D-6)

8) The Appellant's monthly income was determined to be $2031.75. (Exhibit D-3)

9) The Appellant's earned income was excessive for WVW cash assistance resulting in a termination of the benefit effective October 1, 2026.

10) The Appellant's earned income resulted in a decrease of SNAP benefits from $994.00 to $604.00 effective October 1, 2026.

11) The Appellant inquired about transitional benefits for the WVW cash assistance program.

12) The transitional benefit Employment Assistance Program requires WVW participants to maintain 150 monthly hours to maintain eligibility.

13) The Appellant's monthly hours were projected at 135.45 (31.50 x 4.3),

14) The Respondent determined that the Appellant was ineligible for the Employment Assistance Program.

15) On September 16, 2026, the Respondent issued a Notice of Decision (Exhibit D-3) informing the Appellant of her termination of WVW cash assistance and the reduction of her SNAP benefits.

16) The Appellant's WVW cash assistance benefits continued at the previous level for October 2026 pending a decision from the State Hearing Officer.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 4.5.2.A documents:

> The client must report new employment within 10 days of the date an AG member or disqualified person begins the employment unless there is good cause for not reporting. The earned income disregards and deductions are not applied to any month's income for which earnings were not reported. These same disregards and deductions are not applied to any earnings received during the time the employment is unreported. In addition, when new employment is not reported, as required by the Personal Responsibility Contract (PRC), the appropriate sanction is applied. See Section 14.8

West Virginia Income Maintenance Manual Chapter 18.22 documents:

> Work-Eligible Individuals may choose between two transitional benefit options any time the WV WORKS case is closed due to employment and the participant has reported employment within ten days of the employment begin date. The closure may be at the participant's request, but the participant must be employed.
>
> When the participant accepts employment and the WV WORKS benefit is closed, the Case Manager advises the participant regarding the benefits of each option and the participant chooses the one best suited to the needs of his family. The participant signs the WV WORKS transitional benefit Option form, DFA-WVW-15, to document the decision. The participant has 30 days from the effective date of closure to sign the DFA-WVW-15 to document his decision. The participant is ineligible to receive either option if the form is not returned in the specified time frame or if the employment is not reported timely. The Case Manager must note which option the participant has chosen in the eligibility system. The participant receives one copy of the form and another is placed into the case record. This participant's decision is binding for the transitional benefit.
>
> Both options are considered transitional benefit services. If an individual reapplies for WV WORKS within three months of the last day of the effective month of the closure due to employment, the assistance group (AG) members or non-recipient

Work-Eligible are not required to complete another orientation or Personal Responsibility Contract (PRC). An updated Self-Sufficiency Plan (SSP) is still required.

Any individual who has had a positive drug test as a result of the Drug Use Questionnaire, DFAWVW-DAST-1, is encouraged to continue attending counseling / rehabilitation during the transitional benefit period. Substance abuse sanctions in Section 14.8.2 are not applied for failure to continue with this requirement once employed.

The options are described below:

• Option 1 – This option is a continuation of support services and payments any time a WV WORKS benefit is closed due to employment which meets the requirements outlined below. Services include case management; support service payments; continuation of and payment for activities such as, but not limited to, job search, job readiness, and skills training. Employed former WV WORKS participants must apply to receive continued support service payments, see Section 18.22.

• Option 2 – This option is the West Virginia Employment Assistance Program (EAP). This program enables the employed former WV WORKS participant to continue to receive the Temporary Assistance for Needy Families (TANF) payment he received prior to becoming employed by use of a 100% earned income disregard for the EAP period. The family must elect to receive the EAP payment instead of continued support service payments. Participation hours for this employment may be projected for up to six months by using either pay stubs or a written statement from the employer. If it is apparent that the hours may vary substantially, the EAP participant must provide a time sheet or pay stubs each month to verify the hours. A PRC or SSP is not required for the transitional benefit period

When the AG is closed due to imposition of a sanction, no continued support service payments are issued. Because the participant was not employed at the time the benefits ended, he is not eligible for either employment option even if he later becomes employed during the transitional benefit period.

When there is no break in receipt of WV WORKS, such as closures due to a late review or during a good cause period and the individual reports employment, he may still receive a transitional benefit period.

West Virginia Income Maintenance Manual Chapter 18.22.1 documents:

Individuals who meet all of the following requirements may choose a transitional benefit option:

• Gross family income is 150% or less of the current Federal Poverty Level (FPL), excluding Supplemental Security Income (SSI); and

• The family resides in West Virginia; and

• The family's countable assets must be below the TANF asset limit; and

• One adult in the family, who lives in the household, meets all of the following requirements:

o Is employed

For the EAP, this must be full-time employment defined for a one-parent family as 128 hours or more per month or 85 hours for a single parent with a child under six; and defined for a two-parent family as 150 hours or more per month or 236 hours when the family receives federally funded child care. For a two-parent household, the hours required may be met by combining the work hours of both parents.

o Due to employment, the AG exceeds the program income limit or requested the benefit be closed due to employment;

o Received a monthly WV WORKS benefit, not solely a Diversionary Cash Assistance (DCA) payment, as a Work-Eligible Individual or was in the household as a non-recipient Work-Eligible Individual; and

o Has a dependent child in the home.

West Virginia Income Maintenance Manual Chapter 18.22.4 documents:

The Employment Assistance Program allows the employed former WV WORKS participant to continue to receive benefits through a 100% earned income disregard for the transitional benefit period following WV WORKS closure.

EAP recipients must continue to cooperate with the Bureau for Child Support Enforcement (BCSE) and child support must continue to be redirected while receiving the EAP payment. If they fail to cooperate their EAP case will be closed.

Additions to the AG after the EAP has begun do not increase the EAP payment amount. The unearned income of the added individual(s) must be considered. Home visits and self-sufficiency evaluations are not required during the EAP period.

The Case Manager must explain that EAP payments count against the 60-month time limit for receiving TANF and explain the effect of the EAP on other benefits the family may receive.

The family may decide at any time during the transitional benefit period that they no longer wish to receive the EAP payment and may not receive support service payments instead. Once the EAP is discontinued, no additional EAP may be issued unless the individual is found eligible for a new transitional benefit period.

While receiving EAP, the employed parent must be placed in an employment activity in addition to the EAP. The other parent in a two-parent household must be enrolled in the EAP and may be enrolled in any other activity they are participating in.

All support service payments for the transitional benefit services period must be entered in the eligibility system by the last workday in the month following transitional benefit services closure. Payment may be made in the month after transitional benefit services closure for expenses from the final month of transitional benefit eligibility. Payment may not be made for any expenses from the month following transitional benefit closure.

West Virginia Income Maintenance Manual § 4.4.3.B documents in part:

SNAP certification for residents of shelters for battered persons and their children are based on the income, assets, and expenses of the client and their children. See Sections 5.6 and 16.2.

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:

	No One Elderly or Disabled	At Least One Person Elderly or Disabled
Shelter/SUA Equal to Or Less Than Step 9	No further computation is needed. The amount from Step 8 is the countable income.	No further computation is needed. The amount from Step 8 is the countable income.
Shelter/SUA 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.	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.

West Virginia Income Maintenance Manual § 4.4.3.C

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

Computation of Benefit Amount	Example
Multiply net income by 30% (Round up)	$ 554 Net monthly income X .30 **$166.20 = $167**
Subtract 30% of net income as calculated above from the maximum monthly benefit for the AG size	$973 Maximum allotment for four - 167 30% of net income **$806 SNAP benefit for a full month**

West Virginia Income Maintenance Manual 4.4.1.B documents in part:

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. The year-to-date amounts on check stubs may only be used when the client has verification of all payment amounts whether used or not but is missing one.
>
> 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 § 4.4.2.B.7 documents in part:

> 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.

West Virginia Income Maintenance Manual § 4.4.2 documents in part:

> Certain items may be allowed as income deductions to arrive at an AG's countable income, (even if the payment is made from assets). To receive a deduction, the expense must:
> • Not be an educational expense;
> • Be billed or be due during the certification period in which the deduction is claimed;
> • Be obligated to be met by the AG's own resources; and
> • Be owed to an individual not included in the AG to receive a deduction.

West Virginia Income Maintenance Manual § 4.4.2.C.1 documents in part:

> 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. Items that are considered utilities include, but are not limited to:
> • Water, including well installation and maintenance
> • Liquefied Petroleum Gas (LP or LPG) or natural gas
> • Wood, wood pellets, coal, and heating oil
> • Electricity
> • Sewage, including septic tank system installation and maintenance
> • Garbage collection
> • The basic rate for one telephone, either landline or cellular service, but not both. Basic rates include, but are not limited to, taxes, wire maintenance fees, subscriber line charges, relay center surcharges, and 911 fees. It does not include extra services such as, call-waiting, caller ID, etc. Items not considered utilities include, but are not limited to:
> • Cable/digital/satellite television service

• Internet service
• Utility deposits
• Pre-paid cell phones

West Virginia Income Maintenance Manual Chapter 4 Chart of Income Sources documents:

For SNAP benefits: Retirement benefits are unearned income. Count Gross.

Code of Federal Regulations 273.10 documents:

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.

(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.***

(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.

(C) For households considered destitute in accordance with paragraph (e)(3) of this section, the State agency shall determine a household's eligibility by computing its gross and net income according to paragraph (e)(3) of this section, and comparing, as appropriate, the gross and/or net income to the corresponding income eligibility standard in accordance with § 273.9(a) (1) or (2).

(D) If a household contains a member who is fifty-nine years old on the date of application, but who will become sixty before the end of the month of application, the State agency shall determine the household's eligibility in accordance with paragraph (e)(2)(i)(A) of this section.

(E) If a household contains a student whose income is excluded in accordance with § 273.9(c)(7) and the student becomes 18 during the month of application, the State agency shall exclude the student's earnings in the month of application and count the student's earnings in the following month. If the student becomes 18 during the certification period, the student's income shall be excluded until the month following the month in which the student turns 18.

(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.

(C) Except during an initial month, all eligible one-person and two-person households shall receive minimum monthly allotments equal to the minimum benefit. The minimum benefit is 8 percent of the maximum allotment for a household of one, rounded to the nearest whole dollar.

(iii) For an eligible household with three or more members which is entitled to no benefits (except because of the proration requirements of paragraph (a)(1) and the provision precluding issuances of less than $10 in an initial month of paragraph (e)(2)(ii)(B)) of this section:

(A) The State agency shall deny the household's application on the grounds that its net income exceeds the level at which benefits are issued; or

(B) The State agency shall certify the household but suspend its participation, subject to the following conditions:

(*1*) The State agency shall inform the suspended household, in writing, of its suspended status, and of its rights and responsibilities while it is in that status.

(*2*) The State agency shall set the household's change reporting requirements and the manner in which those changes will be reported and processed.

(*3*) The State agency shall specify which changes shall entitle the household to have its status converted from suspension to issuance, and which changes shall require the household to reapply for participation.

(*4*) The household shall retain the right to submit a new application while it is suspended.

(*5*) The State agency shall convert a household from suspension to issuance status, without requiring an additional certification interview, and issue its initial allotment, within ten days of the date the household reports the change.

(*6*) The State agency shall prorate the household's benefits, in the first month after the suspension period, from the date the household reports a change, in accordance with paragraph (a)(1) of this section.

(*7*) The State agency may delay the work registration of the household's members until the household is determined to be entitled to benefits.

(iv) For those eligible households which are entitled to no benefits in their initial month of application, in accordance with paragraph (a)(1) or (e)(2)(ii)(B) of this section, but are entitled to benefits in subsequent months, the State agency shall certify the households beginning with the month of application.

(v) When a household's circumstances change and it becomes entitled to a different income eligibility standard, the State agency shall apply the different standard at the next recertification or whenever the State agency changes the household's eligibility, benefit level or certification period, whichever occurs first.

(vi) During a month when a reduction, suspension or cancellation of allotments has been ordered pursuant to the provisions of § 271.7, eligible households shall have their benefits calculated as follows:

(A) If a benefit reduction is ordered, State agencies shall reduce the maximum SNAP allotment amounts for each household size by the percentage ordered in the

Department's notice on benefit reductions. State agencies shall multiply the maximum SNAP allotment amounts by the percentage specified in the FNS notice; if the result ends in 1 through 99 cents, round the result up to the nearest higher dollar; and subtract the result from the normal maximum SNAP allotment amount. In calculating benefit levels for eligible households, State agencies would follow the procedures detailed in paragraph (e)(2)(ii) of this section and substitute the reduced maximum SNAP allotment amounts for the normal maximum SNAP allotment amounts.

(B) Except as provided in paragraphs (a)(1), (e)(2)(ii)(B), and (e)(2)(vi)(C) of this section, one- and two-person households shall be provided with at least the minimum benefit.

(C) In the event that the national reduction in benefits is 90 percent or more of the benefits projected to be issued for the affected month, the provision for a minimum benefit for households with one or two members only may be disregarded and all households may have their benefits lowered by reducing maximum SNAP allotment amounts by the percentage specified by the Department. The benefit reduction notice issued by the Department to effectuate a benefit reduction will specify whether minimum benefits for households with one or two members only are to be provided to households.

(D) If the action in effect is a suspension or cancellation, eligible households shall have their allotment levels calculated according to the procedures in paragraph (e)(2)(ii) of this section. However, the allotments shall not be issued for the month the suspension or cancellation is in effect. The provision for the minimum benefit for households with one or two members only shall be disregarded and all households shall have their benefits suspended or cancelled for the designated month.

(E) In the event of a suspension or cancellation, or a reduction exceeding 90 percent of the affected month's projected issuance, all households, including one and two-person households, shall have their benefits suspended, cancelled or reduced by the percentage specified by FNS.

DISCUSSION

On September 16, 2026, the Appellant reported the onset of earned income which resulted in the termination of her WVW cash assistance and reduction of her SNAP benefits. The Appellant inquired about transitional WVW benefits upon the closure of the monthly WVW benefit and was denied because her household failed to meet monthly projected hours to maintain eligibility for transitional benefits. The Respondent contests the denial of transitional WVW benefits due to the onset of the earned income. The Respondent must prove by a preponderance of the evidence that it correctly denied the Appellant’s application for transitional WVW benefits.

The Appellant received WVW benefits from April 2026 through October 2026. The Respondent

testified that the Appellant's household consisted of herself, her cohabitator and two common children. Due to both parents residing in the home, the household was considered a two-parent household and required to adhere to 150 monthly hours of participation for the program. Neither parent met this work obligation during their receipt of benefits. On August 26, 2026, the Appellant commenced employment with WV [redacted] for 9 weekly hours at a $15.00 pay rate resulting in a partial reduction of the WVW benefits for September 2026. On September 16, 2026, the Appellant received an increase of weekly hours to 31.50. The Respondent determined the Appellant's monthly income to be $2031.75 (31.50 hours multiplied by $15.00=$472.50 weekly income multiplied by 4.3=$2031.75 monthly income). The monthly income resulted in a termination of the Appellant's WVW cash assistance effective September 30, 2026; however, the Appellant requested her benefits remain open pending a decision of the State Hearing Officer through October 2026. Additionally, the onset of income resulted in a reduction of the Appellant's SNAP benefits from $994.00 to $604.00 effective October 1, 2026.

Upon closure of the WVW benefits, the Appellant inquired about transitional WVW benefits, specifically the West Virginia Employment Assistance Program (WVEAP). Mary Thabet, Family Support Specialist, testified that to be eligible for WVEAP benefits, a participant must maintain a participation agreement for the WVW program and be engaged in employment for 150 monthly hours during receipt of WVEAP benefits. Ms. Thabet purported that the Appellant's monthly employment hours for consideration for the WVEAP were determined to be 135.45 (31.50 multiplied by 4.3=135.45). Because the Appellant did not meet the minimum monthly work hours requirement for the WVEAP, the Appellant was not eligible for WVEAP transitional benefits.

The Appellant contends that her household is eligible for an exemption to the monthly requirement for WVEAP due to their homelessness status. The household resided in their own apartment; however, due to the physical condition of the residence (Exhibit A-4) they were forced to relocate to her cohabitator's grandmother's home. The Appellant contends that the Respondent failed to allow her cohabitator the opportunity to make up the difference of 14.55 hours to establish eligibility for the WVEAP. Additionally, the Appellant reported that she maintained participation with WVW prior to her employment by completing classes with [redacted] (Exhibit A-2) The Appellant offered no dispute to the reduction of her SNAP benefits.

If employment is reported within ten days of the employment begin date resulting in closure of the WVW benefit, a participant may choose between two transitional benefit options. These options include continued supportive service payments or the WVEAP which allows employed participants to continue to receive benefits through a 100% earned income disregard for the transitional benefit period following WVW closure. To be eligible for either transitional benefit, the household's gross family income must be 150% or less of the Federal Poverty Level, the family must reside in West Virginia with one dependent child in the home, the family's countable assets are below the TANF asset limit and one member of the family is employed and closed the WVW benefit due to employment. Policy defines full-time employment for a single-parent family as 128 monthly hours and 150 monthly hours for a two-parent family.

The Appellant's full-time employment resulted in the closure of her WVW benefits. To establish eligibility for transitional WVW benefits the Appellant, her cohabitator or both must meet the monthly participation hours agreement of 150 monthly hours. The Appellant provided information

establishing 31.50 weekly hours which converts to 135.45 (31.50 x 4.3) monthly hours. Because the Appellant's weekly employment hours failed to meet the monthly WVW participation hours for a two-parent household, the Appellant failed to establish eligibility for transitional WVW benefits. While the Appellant contends that the Respondent denied her request to allow her cohabitor the opportunity to make up the difference in hours to establish eligibility for WVEAP, evidence demonstrates that the Appellant was informed on September 15, 2026 (Exhibit D-6), that the cohabitator may provide additional hours of employment to compensate for the lack of hours and establish WVEAP eligibility. Because the household failed to provide evidence which demonstrates that both parents are employed with monthly hours which meet or exceed the 150 hours two-parent work requirement, the Respondent was correct in its decision to deny the Appellant's request for transitional WVW benefits.

CONCLUSIONS OF LAW

1) Policy requires that Work-Eligible Individuals may choose between two transitional benefit options any time the WV WORKS case is closed due to employment and the participant has reported employment within ten days of the employment begin date. The closure may be at the participant's request, but the participant must be employed. These options include continued support service payments or the West Virginia Employment Assistance Program (WVEAP).

2) Eligibility for transitional WVW benefits is established when the gross family-income is 150% or less than the current Federal Poverty Level, the family resides in West Virginia, the household's countable assets are below the TANF asset limit and one adult in the family must be employed with income exceeding the program income limit, with a dependent child in the home and that has received a monthly WVW benefit.

3) For WVEAP, policy defines employment as 128 hours for a single parent family or 150 hours or more a month for a two-parent household. For a two-parent household, the hours worked may be met by combing both hours of each parent.

4) The Appellant became employed at WV [redacted] at 31.50 weekly hours resulting in the termination of her WVW cash assistance benefits.

5) The Appellant's monthly work hours were determined to be 135.45. (31.50 x 4.3)

6) The Appellant's monthly work hours failed to establish her eligibility for the WVEAP benefits.

7) The Respondent was correct in its decision to deny transitional WVW benefits for the Appellant for failure to meet the monthly work participation hours.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to terminate WVW benefits, reduce SNAP benefits and deny the Appellant's application for transitional WVW benefits.

ENTERED this _____ day of October 2026.

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Eric L. Phillips
State Hearing Officer