**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL**
**BOARD OF REVIEW**

[redacted]

**Appellant,**

**v.** **Action Number: 26-BOR-2846**

**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 14, 2026.

The matter before the Hearing Officer arises from the Respondent's August 28, 2026 decision to deny the Appellant's eligibility for Supplemental Nutrition Assistance Program benefits.

At the hearing, the Respondent appeared by Leslie Riddle, 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 Case Comments, dated August 25 through September 21, 2026
D-2 Notice, dated August 28, 2026
D-3 Email Correspondence, dated September 17, 2026
D-4 Income Verification, scanned on August 28, 2026
D-5 Case Comments, dated September 24 through September 28, 2026
D-6 Volunteer Verification
D-7 PATH SNAP application

**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 SNAP eligibility for August 2026 via PATH but failed to attend her scheduled eligibility interview.

2) When submitting her PATH SNAP application, the Appellant electronically signed certification that:
   > All statements have been read by me or to me and I understand the questions.
   > All of the information I have given is true and correct and I accept these responsibilities. (Exhibit D-7)

3) When submitting her PATH SNAP application, the Appellant checked that she had read, understood, and agreed to the Rights and Responsibilities. (Exhibit D-7)

4) The Rights and Responsibilities included understanding that, "unless I am exempt, I must comply with work requirements; registering with WorkForce West Virginia, providing information about employment status, job availability, and training programs." (Exhibit D-7)

5) The Rights and Responsibilities included understanding that:
   > As an Able-Bodied Adult Without Dependents … I may receive SNAP benefits for not more than 3 months out of each 36-month period, if otherwise eligible, if I do not work at least 80 hours per month, or do not participate in a work program for at least 80 hours per month. (Exhibit D-7)

6) The Respondent rescheduled the Appellant's SNAP eligibility interview and the interview was completed via telephone on August 27, 2026, with Respondent Worker EW5466. (Exhibit D-1)

7) Within the previous 36 months, the Appellant had received three months of SNAP benefits without meeting the Able-Bodied Adults Without Dependents (ABAWD). There was a fifteen month gap between the Appellant's last receipt of SNAP benefits.

8) On August 27, 2026, the Appellant submitted verification of her final pay from [redacted] employment. (Exhibit D-4)

9) On August 27, 2026, the Respondent's Worker EW5466 reviewed the ABAWD work requirements and recorded that the Appellant had "already received her 2 months." (Exhibit D-1)

10) During the August 27, 2026 SNAP eligibility interview, the Appellant did not report that she was volunteering. (Exhibit D-1).

11) On August 28, 2026, the Respondent issued a notice advising the Appellant she was ineligible for SNAP because she had already received SNAP benefits for three months without meeting ABAWD work requirements. The notice reflected West Virginia Income Maintenance Manual §§ 3.2.1 and 16.2 (Exhibit D-1).

12) The August 28, 2026 notice advised:

> If you are receiving this notice because your SNAP has been reduced or closed due to Able-Bodied Adult without Dependents (ABAWD) work requirement policy, know that your household can regain SNAP eligibility by doing any of the following actions. Please note, a new application and verification may be required to establish eligibility.
>
> - Work at least 80 hours a month. Work can be for pay, for goods or services (for something other than money), unpaid, or as a volunteer …

13) On September 17, 2026, the Appellant notified the Respondent via email that she volunteers at least 80 hours per month for a nonprofit organization. (Exhibit D-3)

14) On September 24, 2026, the Appellant was notified by Respondent Worker EW5466 that she needed to reapply and submit verification of non-profit work. (Exhibit D-5)

15) On September 24, 2026, the Appellant obtained written verification that she had volunteered twenty-five hours or more per week at a non-profit organization, since August 1, 2026. The Appellant submitted this verification to the Respondent. (Exhibit D-6)

16) The Appellant was approved for SNAP eligibility, beginning on September 25, 2026. (Exhibit D-5)

## APPLICABLE POLICY

**Code of Federal Regulations 7 CFR § 273.2(f)(6)** ***Documentation*** provides that case files must be documented to support eligibility, ineligibility, and benefit level determinations. Documentation shall be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination.

**Code of Federal Regulations 7 CFR § 273.24** ***Time limit for able-bodied adults*** **provides in the relevant sections:**

> (a) *Definitions* …
> (1) *Fulfilling the work requirement* means:
> (i) Working 20 hours per week, averaged monthly …
> (ii) Participating in and complying with the requirements of a work program 20 hours per week …
> (iii) Any combination of working and participating in a work program for a total of 20 hours per week …
> (iv) Participating in and complying with a workfare program …

(b) *General Rule*. Individuals are not eligible to participate in SNAP as a member of any household if the individual received SNAP benefits for more than three countable months during any three-year period, except that individual may be eligible for up to three additional countable months in accordance with paragraph (e) of this section.

(1) *Countable months.* Countable months are months during which an individual receives SNAP benefits for the full benefit month while not:

(i) Exempt under paragraph (c) of this section:

(ii) Covered by a waiver under paragraph (f) of this section;

(iii) Fulfilling the work requirement as defined in paragraph (a)(1) of this section;

(iv) Receiving benefits that are prorated in accordance with § 273.10; or

(v) In the month of notification from the State agency of a provider determination …

(6) Verification shall be in accordance with § 273.2(f)(1) and (f)(8) …

(8) The State agency shall inform all ABAWDs of the ABAWD work requirement and time limit both in writing and orally in accordance with § 273.7(c)(1)(ii) and (iii).

**Code of Federal Regulations § 273.7(c)(1)(ii)** provides that during the certification process, the State agency must provide a written notice and oral explanation to the household of all applicable work requirements for members of the household, and identify which household member is subject to which work requirement. These work requirements include the general work requirement in paragraph (a) of this section, mandatory E&T in paragraph (a)(1)(ii) of this section, and the ABAWD work requirement at § 273.24. The written notice and oral explanation must be provided in accordance with (c)(1)(iii) of this section. This written notice and oral explanation must also be provided to the household when a previously exempt household member or new household member becomes subject to these work requirements, and at recertification.

**Code of Federal Regulations § 273.7(c)(1)(iii)** The consolidated written notice must include all pertinent information related to each of the applicable work requirements, including: An explanation of each applicable work requirement; which individuals are subject to which work requirement; exemptions from each applicable work requirement; and an explanation of the process to request an exemption (including contact information to request an exemption); the rights and responsibilities of each applicable work requirement; what is required to maintain eligibility under each applicable work requirement; pertinent dates by which an individual must take actions to remain in compliance with each applicable work requirement; the consequences for failure to comply with each applicable work requirement; an explanation of the process for requesting good cause (including examples of good cause circumstances and contact information to initiate a good cause request); and any other information the State agency believes would assist the household members with compliance …. In addition, as stated in paragraph (c)(2) of this section and § 273.24(b)(8), the State agency must provide a comprehensive oral explanation to the household of each applicable work requirement pertaining to individuals in the household.

**West Virginia Code § 9-8-2(a)** ***Work Requirements*** provides that all able-bodied adults may receive SNAP benefits for only three months in each 36-month period. Recipients are exempt from the time limit if they are employed or are participating and complying with the requirements of a work, education, or volunteer program for at least 20 hours per week: Provided that further exemptions may apply and shall be determined in accordance with federal law: Provided, that any such exemptions shall not exceed those granted by federal law.

**West Virginia Income Maintenance Manual (WVIMM) § 3.2.1.D.1** ***Able-Bodied Adults Without Dependents (ABAWD)*****and § 3.2.1.D** ***ABAWD Eligibility*** provides that ABAWD is a population of individuals who are age 18 or older, but not age 53. An individual who turns 18 becomes an ABAWD in the month following her birthday. An individual is no longer an ABAWD in the month of their 53rd birthday.

*Fulfilling the ABAWD WORK Requirement* means working and/or participating in an allowable ABAWD work activity for 20 hours per week or 80 hours per month.

*36-Month Period* is a fixed period for all individuals regardless of client's status or the county or state of residence.

*Regaining Eligibility*: Clients regain eligibility by meeting the ABAWD work requirement for a 30-day period before application or meet an exemption.

*Work* is defined as any activity performed for monetary compensation, for in-kind services, or unpaid work.

*Unpaid Work* is labor a for an organization in which a person would traditionally be paid, but the client has chosen not to seek payment.

**WVIMM § 3.2.1.D.1.a through § 3.2.1.D.2** ***Expanding the Target Audience*** **and** ***ABAWD Eligibility*** provides that Effective November 1, 2025, all individuals up to age 65 (who are not exempt) must meet the ABAWD requirement per H.R.1 (One Big Beautiful Bill) of 2025.

Other provisions in this section include:

- Effective October 1, 2022, all West Virginia Counties are required to enforce the ABAWD work requirement per WV State Code § 9-8-2.
- Effective September 1, 2023, all 50-year-olds receiving SNAP (who are not exempt) must meet the ABAWD work requirements per the Fiscal Responsibility Act of 2023.
- Effective October 1, 2023, all 51-and-53 year olds receiving SNAP (who are not exempt) must meet the ABAWD work requirements per the Fiscal Responsibility Act of 2023.
- Effective October 1, 2024, all 53-and-54 year olds receiving SNAP (who are not exempt) must meet the ABAWD requirements per the Fiscal Responsibility Act of 2023.

Any individual who meets the definition of an ABAWD and who is normally required to be included in the AG can only receive benefits when he is otherwise eligible and:

- Meets the work requirements outlined below or meets an exemption listed below;
- Is in his first three-month period while not meeting the ABAWD work requirement or being exempt within the 36-month period; or
- Regains eligibility after meeting the ABAWD work requirement and is in his additional three-month period, which must be consecutive months.

**WVIMM § 3.2.1.D.3** ***ABAWD Work Requirement*** provides that ABAWD is a population of individuals aged 18 or older but not yet age 65. An ABAWD must meet ABAWD work requirements in addition to the SNAP work requirements in Chapter 14, to be eligible. All work hours must be verified, including in-kind services and unpaid work. As long as an ABAWD is exempt as found in the exemptions below or meets any of the requirements below, he may receive SNAP benefits, if otherwise eligible. Otherwise, he is ineligible once he has received SNAP benefits for three months without being exempt or meeting the ABAWD work requirement. The three months need not be consecutive and includes SNAP benefits received from another state. The ABAWD work requirement is met by either:

- Working at least 20 hours per week or 80 hours per month;
- Participating in a work program such as, but not limited to: WorkForce Innovation and Opportunity Action (WIOA) Title I programs or a refugee resettlement program, at least 20 hours per week or 80 hours per month; or
- Participation n a SNAP E&T program for the required number of hours …

An ABAWD cannot be assigned any countable month(s) prior to being screened for exemptions. If an ABAWD experiences a change of circumstances during the certification period that results in the loss of their exemption, a worker must address the change at the next redetermination.

**WVIMM § 3.2.1.D.5** ***Determining the 36-Month Period*** provides that for all individuals, regardless of the client's status or the county or state of residence, the first 36-month period began January 2016. The 36-month period remains fixed. Receiving SNAP months without being exempt or meeting the work requirement in another state counts towards the client's three-month limit in West Virginia. The worker must only count such months within the current 36-month period.

**WVIMM § 3.2.1.D.7** ***Regaining Eligibility*** provides that an individual whose benefits are denied or terminated under the ABAWD policy can become eligible again when:
He no longer meets the definition of an ABAWD;
He is currently meeting the ABAWD work requirement; or
He becomes exempt as specified.

Individuals who regain eligibility by meeting one of the standards above must maintain eligibility monthly by continuing to meet those standards.

## DISCUSSION

On August 28, 2026, the Respondent denied the Appellant's eligibility for SNAP benefits because she was an ABAWD who had previously received three months of benefits without participating in a work activity, and was not participating in a qualifying activity at the time of application. The Appellant argued that she was participating in volunteering for a non-profit organization at the time of application. During the hearing, the Appellant did not dispute that she did not report her volunteer work during her application and eligibility interview, and contended she would have reported the activity if she was aware it would affect her SNAP eligibility.

The regulations prohibit an ABAWD from receiving three months of SNAP benefits without meeting the requirements. During the hearing, the Appellant did not contest that she received benefits under these conditions within the last thirty-six months. To receive further benefits, the Appellant had to be participating in one of the activities indicated in the regulations and policy.

To prove that the Respondent correctly denied the Appellant's SNAP eligibility for August 2026, the preponderance of evidence had to reveal that the Appellant was properly notified of her ABAWD requirements and was not participating in a qualifying activity at the time of the denial.

### Written Notification and Oral Explanation of SNAP Work Requirements

Federal regulations stipulate that during the certification process; the State agency must provide a written notice and oral explanation to the household of all applicable work requirements for members of the household and identify which household member is subject to which work requirement. The Respondent argued that the Rights and Responsibilities listed on the PATH application advised the Appellant of her work requirements; however, the listed conditions did not stipulate specifically what the Appellant was required to comply with as required by the federal regulations.

During the hearing, the Appellant did not dispute her agreement with the Rights and Responsibilities but testified that she did not read the lengthy conditions attached to the application. According to the Rights and Responsibilities, the Appellant indicated that she would comply with the work requirements; however, the specific ABAWD work requirement criteria was not listed. The listed responsibility was related specifically to ABAWD indicated her understanding of the 36-month policy for receipt of SNAP benefits without meeting a qualifying activity.

The Appellant argued that she was not aware of the changing ABAWD work requirements from her previous receipt of benefits; however, the policy indicated that ABAWD work requirements have been enforced in all counties since 2022 and would have been in effect at the time the Appellant was previously receiving SNAP benefits. Although the Appellant may have been required to previously comply with ABAWD work requirements during other certification periods, the federal regulations require the State agency to inform the client during the certification process, when a household member becomes subject to the work requirement, and at recertification. As the Appellant was applying for new SNAP certification, the Respondent was required to comply with the federal requirement to supply the Appellant with written and oral explanation of ABAWD

work requirements. The written ABAWD work requirements provided on the notice of adverse action do not constitute a written notification of the Appellant's ABAWD requirements during the certification process.

Because the preponderance of evidence revealed that the Respondent only issued oral instruction of the ABAWD work requirements and did not notify the Appellant in writing, the Respondent's decision to deny her eligibility for SNAP in August 2026 because she was not participating in a qualifying activity cannot be affirmed.

## CONCLUSIONS OF LAW

1) The Respondent is required to provide the Appellant with a written notice and oral explanation of all applicable work requirements that identify which household member is subject to which work requirement.

2) The preponderance of evidence proved that the Respondent orally notified the Appellant but did not notify her in writing of all applicable ABAWD work requirements.

3) Because the preponderance of evidence failed to verify the Appellant was sufficiently advised in writing and orally of her SNAP ABAWD work requirements, the Respondent's August 28, 2026 decision to terminate the Appellant's SNAP benefits cannot be affirmed.

## DECISION

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's decision to deny the Appellant's SNAP eligibility for August 2026. The matter is **REMANDED** for issuance of written notice of the Appellant's ABAWD work requirements and a new determination of the Appellant's August 2026 SNAP eligibility.

**ENTERED this 21st day of October 2026.**

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**Tara B. Thompson, MLS**
**Certified State Hearing Officer**