WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted]

Appellant,

v. **ACTION NO.: 26-BOR-2926**

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 21, 2026.

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

At the hearing, the Respondent appeared by Anna Yoder, Economic Service Supervisor. The Appellant was self-represented. The witnesses were placed under oath and the following documents were admitted into evidence:

Department's Exhibits:

D-1 Notice of SNAP determination dated July 7, 2026
D-2 Notice of SNAP determination dated August 31, 2026
D-3 WV Income Maintenance Manual (IMM), Chapter 4, Appendix B

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 is a recipient of SNAP benefits.

2) On August 31, 2026, the Respondent issued notices to SNAP recipients affected by the mass change in the Standard Deductions and Allowances for SNAP.

3) The Appellant's SNAP allotment increased from $24 to $25 due to the mass change, effective October 1, 2026. (Exhibit D-2)

4) On October 5, 2026, the Appellant submitted a request for a fair hearing and also reported to the Respondent that his income had decreased.

5) On October 6, 2026, the Respondent recalculated the Appellant's SNAP allotment using the pay statements submitted by the Appellant and issued a notification to the Appellant that his SNAP benefits would increase to $89 per month.

6) The reported decrease in income would not affect the August 31, 2026 decision to increase the Appellant's SNAP allotment to $25 effective October 1, 2026.

APPLICABLE POLICY

7 CFR 273.12(e)

(e) Mass changes. Certain changes are initiated by the State or Federal government which may affect the entire caseload or significant portions of the caseload. These changes include, but are not limited to, adjustments to the income eligibility standards, the shelter and dependent care deductions, the maximum SNAP allotment and the standard deduction; annual and seasonal adjustments to State utility standards; periodic cost-of-living adjustments to Retirement, Survivors, and Disability Insurance (RSDI), Supplemental Security Income (SSI) and other Federal benefits; periodic adjustments to Temporary Assistance for Needy Families (TANF) or General Assistance (GA) payments; and other changes in the eligibility and benefit criteria based on legislative or regulatory changes.

(1) Federal adjustments to eligibility standards, allotments, and deductions, and State adjustments to utility standards.

(i) State agencies shall implement these changes for all households at a specific point in time. Adjustments to Federal standards shall be implemented prospectively regardless of the household's budgeting system. Annual and seasonal adjustments in State utility standards shall also be implemented prospectively for all households.

(A) Adjustments in the maximum SNAP allotment shall be effective in accordance with § 273.10(e)(4)(ii).

(B) Adjustments in the standard deduction shall be effective in accordance with § 273.9(d)(1).

(C) Adjustments in the shelter deduction shall be effective in accordance with § 273.9(d)(6).

(D) Adjustments in the income eligibility standards shall be effective in accordance with § 273.9(a)(3).

(ii) A notice of adverse action shall not be used for these changes. At a minimum, the State agencies shall publicize these mass changes through the news media; posters in certification offices, issuance locations, or other sites frequented by certified households; or general notices mailed to households. At its option, the State agency may send the notice described in paragraph (e)(4) of this section or some other type of written explanation of the change. A household whose certification period overlaps a seasonal variation in the State utility standard shall be advised at the time of initial certification of when the adjustment will occur and what the variation in the benefit level will be, if known.

(2) Mass changes in public assistance and general assistance.

(i) When the State agency makes an overall adjustment to public assistance (PA) payments, corresponding adjustments in households' SNAP benefits shall be handled as a mass change in accordance with the procedures in paragraphs (e) (4), (5) and (6) of this section. When the State agency has at least 30 days, advance knowledge of the amount of the PA adjustment, the State agency shall make the change in benefits effective in the same month as the PA change. If the State agency does not have sufficient notice, the SNAP change shall be effective no later than the month following the month in which the PA change was made.

(ii) State agencies which also administer a general assistance (GA) program shall handle mass adjustments to GA payments in accordance with the schedules outlined in paragraph (e)(2)(i) and the procedures in paragraphs (e) (4), (5) and (6) of this section. However, where State agencies do not administer both programs, mass changes in GA payments shall be subject to the schedule in paragraph (e)(3) and the procedures in paragraphs (e) (4), (5) and (6) of this section.

7 CFR 273.9(d)(6)(iii)

(iii) Standard utility allowances.

(A) A State agency may use standard utility allowances (standards) in place of actual costs in determining a household's excess shelter deduction. The State agency may use different types of standards but cannot allow households the use of two standards that include the same expense. The State agency may vary the standards by factors such as household size, geographical area, or season. Only utility costs identified in paragraph (d)(6)(ii)(C) of this section may be used in developing standards described in paragraphs (d)(6)(iii)(A)(1) through (3) of this section. The following standards are allowable:

(1) An individual standard for each type of utility expense;

(2) A standard utility allowance for all utilities that includes heating or cooling costs (HCSUA); and

(3) 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, and garbage or trash collection. The LUA may also include telephone and/or internet costs. The LUA must include expenses for at least two utilities.

(B) The State agency must review the standards annually and make adjustments to reflect changes in costs, rounded to the nearest whole dollar. State agencies must provide the amounts of standards to FNS annually and submit methodologies to FNS for approval when the methodologies are developed or changed.

7 CFR 273.15(g)

(g) ***Time period for requesting hearing.*** A household shall be allowed to request a hearing on any action by the State agency or loss of benefits which occurred in the prior 90 days. Action by the State agency shall include a denial of a request for restoration of any benefits lost more than 90 days but less than a year prior to the request. In addition, at any time within a certification period a household may request a fair hearing to dispute its current level of benefits.

WV Common Chapters, §710.16.B.1. Hearing Request Time Limits: The time limit for requesting a hearing shall be 90 days from the effective date of the action.

WV IMM Chapter 10, §10.4.2, **Client Reporting Requirements**, in part:

All SNAP assistance groups (AGs) must report changes related to eligibility and benefit amount at application and redetermination. SNAP AGs are subject to limited reporting requirements, and the reporting requirements in this section apply to recipient AGs only. … When reported information results in a change in benefits and additional or clarifying information is needed, the Worker must first request the information by using the DFA-6 or verification checklist. If the client does not provide the information within the time frame specified by the Worker, the appropriate action is taken after advance notice. Each reported change is evaluated independently for the appropriate action to be taken. When a reported change results in the change of the certification period, the client must receive advance notice of the change. NOTE: Shelter deductions must be verified at application, redetermination, and after a reported change. If the reported change is not verified, no shelter deduction is allowed. The table below is not a comprehensive list of examples. This table does NOT apply to processing of the interim contact report (PRC2) form.

…

When the reported change is a change in shelter expense and the verification is not returned, benefits are determined without the deduction.

WV IMM Chapter 10, §10.4.2.C Timely Reporting and Follow Up:

To determine if a claim for benefit repayment must be established or a lost benefit restored, a decision must be made as to whether or not a change was reported in a timely manner. When the client does not report in a timely manner and the change could have

been made earlier, a claim for benefit repayment may be established. See Chapter 11. If the client fails to report a change that would have increased benefits within the AG's appropriate time limit, benefits are not restored. See Limited Reporting above.

WV IMM Chapter 10, §10.4.3.A.2, All Other Changes, in part**:**

For all other changes that result in an increase in benefits, except those described in Increase in Benefits above, changes are made as follows.

- If the next issuance date is more than 10 days after the date the change is reported, the change is effective the month following the report month.
- If the next issuance date is within 10 days of the date the change is reported, the change is effective two months after the report month. The ten-day period includes the date of the report and takes the staggered benefit issuance date into consideration.

DISCUSSION

On August 31, 2026, the Respondent issued notification of a mass change which affected the Appellant's SNAP benefits by increasing his allotment from $24 to $25 per month. On October 5, 2026, the Appellant reported a decrease in his earned income and he also submitted a fair hearing request.

On August 31, 2026, due to a mass change in the standard deductions and allowances, the Respondent recalculated the Appellant's monthly SNAP allotment to be $25 using his previously reported income. The August 31, 2026 notification showed that the gross monthly earned income used was $1,551.17 plus a gross monthly unearned income of $708, for a total gross income of $2,259.17. After all disregards and deductions were calculated, the Respondent determined the Appellant's monthly SNAP allotment to be $25 (an increase from his previous an allotment of $24) effective October 1, 2026.

On October 5, 2026, the Appellant requested a fair hearing and submitted pay statements to the Respondent showing a reduced earned income amount. The Respondent's representative testified that the reported reduction in the Appellant's earned income was entered and notification was issued to the Appellant on October 7, 2026, that his monthly SNAP allotment increased to $89. This reported change in income would not affect the August 31, 2026 SNAP allotment determination.

The Appellant testified that previously his earned income was $1,400 bi-weekly. However, the Appellant stated that he no longer works there and now is only making approximately $400 - $500 bi-weekly. The Appellant stated he was previously receiving a higher SNAP allotment when he had more earned income and could not understand why his SNAP allotment had dropped so significantly.

The evidence showed that the Respondent issued notification to the Appellant on July 7, 2026, that his SNAP application had been approved with a calculated monthly SNAP allotment of $24. The same gross income was used for the August 31, 2026 determination.

The Appellant asserted that he was unaware of the reduction in his SNAP benefits because he often fails to receive his mail. The Appellant provided no corroborating evidence for this assertion. Moreover, it is noted that the Appellant testified at the beginning of the hearing that he did receive the July 7 and August 31, 2026 notifications from the Respondent. It is also noted that the Appellant did receive the Scheduling Order to attend this hearing. The Appellant's assertion is without credibility or evidentiary support.

The Appellant did not contest any deductions or disregards that the Respondent used in calculating his SNAP allotment. There was no evidence submitted to show that the income used in the August 31, 2026 calculation of the Appellant's SNAP allotment was incorrect. The evidence showed that the income used in the August 31, 2026 calculation was the same which was used in the July 7, 2026 notification of SNAP approval. Thus, the August 31, 2026 decision by the Respondent to increase the Appellant's SNAP allotment beginning October 1, 2026, due to a mass change in the standard deductions and allowances mandated by statute, which used the July 7, 2026 income in the Appellant's case, was correct. Accordingly, the Respondent's decision is affirmed.

CONCLUSIONS OF LAW

1) Federal regulations mandate that a review of standard deductions and allowances be made on a yearly basis, which may result in a mass change in SNAP allotments.

2) The previous income verified by the Appellant for his July 7, 2026 SNAP application was used in recalculating the Appellant's monthly SNAP allotment using the mass change mandated in the standard deductions and allowances.

3) The Appellant reported a change in income on October 5, 2026, does not affect the August 31, 2026 decision regarding the Appellant's SNAP allocation effective October 1, 2026.

4) The Respondent correctly recalculated the Appellant's SNAP allocation due to the mass change in the standard deductions and allowances in its August 31, 2026 decision.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to increase the Appellant's SNAP allotment effective October 1, 2026.

ENTERED this 28th day of October 2026.

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Lori Woodward, Certified State Hearing Officer