



February 27, 2025

[REDACTED]

RE: [REDACTED] v. WVDOHS
ACTION NO.: 25-BOR-1029

Dear [REDACTED]:

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

In arriving at a decision, the State Hearing Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Human Services. These same laws and regulations are used in all cases to assure that all persons are treated alike.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Todd Thornton
State Hearing Officer
Member, State Board of Review

Encl: Recourse to Hearing Decision
Form IG-BR-29

cc: Jessica Shah, Department Representative
April Wilson, Department Representative

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

██████████,

Appellant,

v.

Action Number: 25-BOR-1029

**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 ██████████. 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 February 18, 2025, upon a timely appeal filed on December 30, 2024.

The matter before the Hearing Officer arises from the December 30, 2024 decision by the Respondent to reduce the Appellant's SNAP benefits.

At the hearing, the Respondent appeared by Jessica Shah. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

EXHIBITS

Department's Exhibits:

D-1	Case summary
D-2*	(Not entered)
D-3	Notice of decision, dated December 30, 2024
D-4	Paystubs from the Appellant's employer Written statement from ██████████ dated December 9, 2024 Data exchange screen print

Rent receipt dated December 5, 2024
Notification checklist dated December 2, 2024
West Virginia Income Maintenance Manual excerpts

D-5 West Virginia Income Maintenance Manual excerpts

Appellant's Exhibits:

None

* Exhibit D-2 was a copy of the Hearing Officer's scheduling order and was excluded as irrelevant to the Department's case.

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) The Appellant was a recipient of SNAP benefits.
- 2) The Appellant completed the interview portion of a SNAP review on December 2, 2024. (Exhibit D-5)
- 3) The Respondent issued a verification checklist (Exhibit D-4), dated December 2, 2024, to the Appellant.
- 4) The verification checklist (Exhibit D-4) requested verification of income and rent deduction amounts.
- 5) The verification checklist (Exhibit D-4) set a deadline of December 12, 2024, for the Appellant to return the requested verifications to the Respondent.
- 6) The Appellant lives with her brother, [REDACTED]
- 7) The Appellant receives SNAP benefits separately from her brother.
- 8) The Appellant's brother provided a written statement (Exhibit D-4) to verify the Appellant's income and shelter deduction amounts for the Respondent.
- 9) This statement (Exhibit D-4) noted that [REDACTED] shares a rental house with his sister.
- 10) The statement (Exhibit D-4) from [REDACTED] noted, "I pay \$350.00 and she pays \$350.00 each month..."

- 11) The Appellant provided a rent receipt (Exhibit D-4), dated December 5, 2024, showing the Appellant paid \$700 in rent in December 2024.
- 12) The Respondent processed the Appellant's SNAP review, counting \$350 in unearned income for the Appellant in the SNAP calculations.
- 13) The Respondent issued a notice dated December 30, 2024 (Exhibit D-3), advising the Appellant of a reduction in her SNAP benefits.
- 14) This notice (Exhibit D-3) advised the Appellant that her new SNAP allotment was \$23 monthly.
- 15) The Appellant did not dispute the Respondent's calculation of her earned income from [REDACTED] or her Social Security income.
- 16) The Appellant disputed the Respondent's determination of \$350 in monthly unearned income counted in her SNAP calculations.

APPLICABLE POLICY

West Virginia Income Maintenance Manual § 4.3.1 provides a table of countable income sources for SNAP and additional programs. At § 4.3.1.11.a, the table notes that a cash contribution from an individual – not for shared household expenses – is unearned income for SNAP. At § 4.3.1.11.b, such contributions are listed as not countable SNAP income when for shared household expenses.

West Virginia Income Maintenance Manual § 4.4.2.B.7 addresses the shelter/utility deduction for SNAP and provides, in part:

...The Worker must allow the expense only if the AG is obligated to pay with the AG's excluded or non-excluded resources...An expense does not have to be paid to be a deduction...

Code of Federal Regulations 7 CFR §273.9(c) addresses SNAP income exclusions, and provides:

(c) *Income exclusions.* Only the following items shall be excluded from household income and no other income shall be excluded:

- (1) Any gain or benefit which is not in the form of money payable directly to the household, including in-kind benefits and certain vendor payments...

(vii) *Other third-party payments.* Other third-party payments shall be handled as follows: moneys legally obligated and otherwise payable to the household

which are diverted by the provider of the payment to a third party for a household expense shall be counted as income and not excluded. If a person or organization makes a payment to a third party on behalf of a household using funds that are not owed to the household, the payment shall be excluded from income. This distinction is illustrated by the following examples:

(A) A friend or relative uses his or her own money to pay the household's rent directly to the landlord. This vendor payment shall be excluded...

Code of Federal Regulations 7 CFR §273.9(d)(6)(ii)(a) lists the allowable shelter expenses for the SNAP excess shelter deductions, and provides:

(A) Continuing charges for the shelter occupied by the household, including rent, mortgage, condo and association fees, or other continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments...

DISCUSSION

The Appellant is contesting the Respondent's reduction of SNAP benefits based on changes in the Appellant's countable income. The Respondent must show by preponderance of the evidence that it correctly reduced the Appellant's SNAP allotment.

The Appellant is a SNAP recipient living with her brother but in a separate case for SNAP purposes. The Appellant completed the interview portion of a SNAP review with her Respondent worker and was given a verification checklist of the documentation needed to complete the SNAP review. The Appellant provided this information, and the Respondent processed her SNAP review, determining her earnings from [REDACTED] her Social Security income, her rent expense, and concluding that the \$350 monthly from the Appellant's brother was countable SNAP unearned income.

The Appellant did not dispute the separate household status of her brother, or the income amounts from employment or Social Security. The Appellant provided the paystubs used to determine her earnings from [REDACTED], and the Respondent maintains a direct data exchange with the Social Security Administration to verify Social Security income amounts for SNAP and other eligibility purposes. The Appellant argued at the hearing that she should receive a \$700 SNAP deduction for rent and the \$350 from her brother should not be counted as SNAP unearned income.

Policy and Federal regulations show the money from the Appellant's brother should not be counted as unearned income for SNAP. Federal regulations refer to the Appellant's arrangement in the section addressing third-party payments as excluded income. State policy explicitly breaks down the distinction: a cash contribution counts as income when it is not for shared household expenses but does not count as income when it is. The Appellant's brother is giving cash to the Appellant for a shared household expense. His payment to his sister is not income, and the Respondent's reduction of SNAP benefits partly on this basis cannot be affirmed.

The Respondent did not provide enough evidence to clearly establish the basis for its SNAP allotment determination for the Appellant. The Respondent did not provide evidence showing the details of its SNAP allotment calculation for the Appellant. The Respondent provided a notice letter showing incomplete SNAP allotment calculations, but the abbreviated calculations shown on such notices never itemize the shelter and utility deduction amounts. Without sufficient information, the Respondent's treatment of the Appellant's shelter expense cannot be affirmed.

Based on the reliable evidence and testimony presented at the hearing, the Respondent did not correctly reduce the Appellant's SNAP benefits to \$23 monthly based on changes in income and income deductions. Because insufficient evidence was provided at the hearing, it cannot be established that the \$700 rent deduction the Appellant seeks is incorporated into her SNAP allotment calculation or not. The matter is reversed and remanded to the Respondent to remove the \$350 monthly income amount from the Appellant's brother, recalculate the Appellant's monthly SNAP benefits and restore any SNAP benefits not continued through the hearing process.

CONCLUSIONS OF LAW

- 1) Because the Appellant receives cash contributions from another person intended for shared household expenses, these cash contributions are not countable SNAP income.
- 2) Because the Respondent counted these cash contributions as SNAP income against the Appellant, the Respondent's SNAP calculation is in error.
- 3) The Respondent must remove the unearned income amount, recalculate the Appellant's SNAP allotment, and restore benefits to the Appellant as directed.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's reduction of the Appellant's SNAP benefits. The Respondent must approve and recalculate the Appellant's SNAP allotment without the unearned income source added at review and restore benefits to that level from the effective date the SNAP reduction was implemented.

ENTERED this ____ day of February 2025.

Todd Thornton
State Hearing Officer