



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
1400 Virginia Street
Oak Hill, WV 25901

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

August 2, 2017

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-2116
17-BOR-2137

Dear Mr. [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 Health and Human Resources. 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,

Kristi Logan
State Hearing Officer
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision
Form IG-BR-29

cc: Emily Shumate, [REDACTED] County DHHR

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BOARD OF REVIEW

██████████,

Appellant,

v.

Action Number: 17-BOR-2116 SCA
17-BOR-2137 EA

WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,

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 West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing was convened on August 1, 2017, on appeals filed July 14, 2017, and July 17, 2017.

The matter before the Hearing Officer arises from the July 5, 2017, decision by the Respondent to deny the Appellant's application for School Clothing Allowance and the July 14, 2017, decision to deny the Appellant's application for Emergency Assistance.

At the hearing, the Respondent appeared by Emily Shumate, Economic Service Worker. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Department Summary
- D-2 Hearing Requests dated July 14, 2017, and July 17, 2017
- D-3 Hearing Request Notifications
- D-4 Scheduling Order
- D-5 Notices of Decision dated July 5, 2017, and July 14, 2017
- D-6 Verification Checklist dated July 3, 2017
- D-7 Case Comments from May 2017-July 2017
- D-8 West Virginia Income Maintenance Manual §19.2 and Chapter 15 Appendix B

Appellant's Exhibits:

A-1 Written Argument

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 Emergency Assistance (EA) for electricity and School Clothing Allowance (SCA) benefits for himself on July 3, 2017.
- 2) The Appellant is 40 years old and is attending Adult Basic Education classes.
- 3) The Respondent notified the Appellant on July 5, 2017, that his SCA application had been denied (Exhibit D-5).
- 4) The Appellant's termination notice for his electricity was a 90-day bill in the amount of \$173.02 (Exhibit D-7).
- 5) A verification checklist was given to the Appellant to pay or have paid on his behalf \$115.35, of the total amount of the termination notice by July 6, 2017, before his application for EA could be approved (Exhibit D-6).
- 6) The Appellant submitted a receipt on July 6, 2017, for \$33.50 paid to AEP towards his electric bill (Exhibit D-7).
- 7) The Appellant was given until July 10, 2017, to verify the remaining balance of \$81.85 of his electric bill had been paid.
- 8) The Appellant verified that a local church agreed to pay \$50 towards his electric bill on July 10, 2017 (Exhibit D-7).
- 9) The Appellant was given until July 12, 2017, to verify that the remaining balance of \$31.85 of his electric bill had been paid.
- 10) The Appellant was notified by the Respondent on July 14, 2017, that his EA application was denied (Exhibit D-5).

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 15 Appendix C §J(1) states that the maximum age requirement for School Clothing Allowance is met when the child is not yet age 19 on July 1st of the current program year.

West Virginia Income Maintenance Manual §19.2(B)(1)(c) states when the Worker does not have sufficient information to make a decision on an Emergency Assistance application, it is necessary to complete a verification checklist to inform the applicant of the additional information needed. All requests for verification must be made using the DFA-6 form and/or verification checklist. The Worker must clearly state on the form what items must be returned by the applicant, as well as the date by which the information must be returned. The failure to return information or the return of incomplete or incorrect information that prevents a decision from being made on the application will be considered failure to provide verification and will result in a denial of the application

West Virginia Income Maintenance Manual §19.2(B)(13) states “Eliminate the Emergency” is defined as delaying or preventing the emergency from occurring for a period of not less than 30 days from the date the vendor is made aware of and accepts the Department’s offer. When the applicant is otherwise eligible for or approved for Emergency Assistance, yet the vendor refuses to eliminate the emergency, payment must be denied to the vendor. This may occur when the vendor is not satisfied with the amount of payment. Payment is not made to any vendor who refuses to eliminate the emergency.

West Virginia Income Maintenance Manual §19.2(D)(2)(c)(1) states when the client is eligible to receive payment for a utility service, the Worker must consider the following:

- When the overdue amount covers a billing period up to 30 days, the Worker shall authorize payment for the 30-day amount to the vendor.
- When the overdue amount covers a billing period greater than 30 days, the Worker determines the average daily amount of the overdue bill. The average daily amount multiplied by 30 days is the maximum amount of the Emergency Assistance payment

The Worker must explain to the applicant that payment may be made up to the calculated maximum amount. The Worker must contact the utility provider to determine if this payment will eliminate the emergency.

DISCUSSION

To meet the age requirement to receive School Clothing Allowance benefits, the individual must not have reached age 19 by July 1 of the current program year. The Appellant was 40 years old as of July 1, 2017. The Appellant does not meet the age requirement to be eligible for School Clothing Allowance benefits for himself.

The Appellant applied for Emergency Assistance for his electricity bill. The maximum payment amount for a utility under the Emergency Assistance program is a 30-day bill. The termination notice provided by the Appellant was a 90-day bill. Pursuant to policy, Emergency Assistance benefits can only be approved if the Emergency Assistance payment amount will be accepted by the vendor to alleviate the emergency of a disconnection of service for the next 30 days.

It is unclear if the vendor would have accepted the 30-day amount that could have been paid by the Respondent under the Emergency Assistance program to alleviate the emergency for at least 30 days. However, the Respondent requested that the Appellant pay or have paid the remaining portion of the balance owed on the electric bill. The Appellant's application was denied when his responsibility of \$115.35 of the termination notice was not paid.

Because the Appellant did not verify that his portion of the electric bill was paid, or that the amount already paid would alleviate the emergency, the Appellant's application for Emergency Assistance was denied correctly.

CONCLUSIONS OF LAW

- 1) An individual cannot have reached 19 years of age as of July 1, 2017, in order to receive School Clothing Allowance benefits.
- 2) The Appellant was 40 years old as of July 1, 2017.
- 3) The Appellant does not meet the age requirement to receive School Clothing Allowance benefits.
- 4) The maximum payment amount for a utility bill under the Emergency Assistance program is a 30-day bill.
- 5) The Appellant was required to provide verification that the portion of his electric bill that exceeded a 30-day amount had been paid.
- 6) The Appellant failed to provide verification that his portion of \$115.35 of the electricity bill had been paid.
- 7) The Appellant's application for Emergency Assistance was denied correctly.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision by the Respondent to deny the Appellant's applications for School Clothing Allowance and Emergency Assistance benefits.

ENTERED this 2nd day of August 2017

**Kristi Logan
State Hearing Officer**