



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
227 Third Street
Elkins, WV 26241

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

September 8, 2005

Dear Ms.____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held September 7, 2005. Your hearing request was based on the Department of Health and Human Resources' action to deny West Virginia School Clothing Allowance benefits based on failure to submit a timely application.

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.

Eligibility for the West Virginia School Clothing Allowance Program is based on current policy and regulations. Some of these regulations state as follows: As long as the School Clothing Allowance application is made by July 31, 2005 and the applicant returns the requested information in the time frame specified by the worker, the WVSCA may be approved, if the family is otherwise eligible. (West Virginia Income Maintenance Manual Section 15, Appendix C)

Information submitted at your hearing revealed that your application was not received until August 1, 2005 following the deadline for application submission.

It is the decision of the State Hearing Officer to **uphold** the action of the Department to deny your School Clothing Allowance application.

Sincerely,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Stephanie Rizzio, Economic Services Supervisor, DHHR

**WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES
BOARD OF REVIEW**

____,

Claimant,

v.

Action Number: _____

**West Virginia Department of
Health and Human Resources,**

Respondent.

DECISION OF STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on September 8, 2005 for _____. This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened on September 7, 2005 on a timely appeal filed August 4, 2005.

II. PROGRAM PURPOSE:

The program entitled West Virginia School Clothing Allowance is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

The WV WORKS School Clothing Allowance (SCA) Program is designed to provide clothing assistance for school-age children. These children must be foster children or recipients of WV WORKS during the month of July. The West Virginia School Clothing Allowance (WVSCA) provides clothing assistance for school-age children in families who do not wish to apply or are not financially eligible for WV WORKS but whose income is equal to or less than 100% of the Federal Poverty Level.

III. PARTICIPANTS:

_____, Claimant
Stephanie Rizzio, Economic Services Supervisor, DHHR

Presiding at the hearing was Pamela L. Hinzman, State Hearing Officer and a member of the State Board of Review.

IV. QUESTIONS TO BE DECIDED:

The question(s) to be decided is whether the Department took the correct action in denying the Claimant's School Clothing Allowance application.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Section 15, Appendix C

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Daily Receptionist Check In Report for August 1, 2005
- D-2 WV School Clothing Allowance application date-stamped August 1, 2005
- D-3 School Clothing Allowance denial letter dated August 1, 2005
- D-4 West Virginia Income Maintenance Manual Section 15, Appendix C
- D-5 Daily Receptionist Check In Report for July 29, 2005 (submitted in camera)

VII. FINDINGS OF FACT:

- 1) Ms. Rizzio testified that the Claimant submitted a WV School Clothing Allowance application which was date-stamped in the [REDACTED] DHHR Office on August 1, 2005 (D-2).
- 2) The Daily Receptionist Check In Report for August 1, 2005 (D-1) verifies that the Claimant was logged in at the [REDACTED] office at 2:07 p.m. with the notation "SCA."
- 3) The Claimant's application was processed on August 1, 2005 and a denial letter (D-3) was sent the same date which stated:

Your application for School Clothing Allowance dated 08/01/05 has been denied effective 08/01/05.

Here is why: School Clothing Allowance season has ended.

- 4) Ms.____ contended that she brought her application to the [REDACTED] office on July 29, 2005 and that it was not correctly stamped for the date it was received. She stated that she had waited until July 29, 2005 after she received her pay stub.
- 5) Ms. Rizzio submitted Exhibit D-5 in camera. The Claimant's name does not appear on this register as having been checked in at the [REDACTED] office on July 29, 2005.
- 6) West Virginia Income Maintenance Manual Section 15, Appendix C, 9 (D-4) states, in part:

As long as the application is made by 7/31/05 and the applicant returns the requested information in the time frame specified by the Worker, the WVSCA may be approved, if the family is otherwise eligible. All applications must be processed by 8/31/05.

VIII. CONCLUSIONS OF LAW:

- 1) While the Claimant contends that her West Virginia School Clothing Allowance application was submitted on July 29, 2005, she could provide no evidence to support this claim.
- 2) Evidence provided from the Department verifies that the Claimant was checked in at the [REDACTED] DHHR Office on August 1, 2005 for an "SCA"-related matter.
- 3) The Claimant's application was date-stamped in the [REDACTED] office as having been received on August 1, 2005.
- 4) The Claimant's name does not appear on the Department's Receptionist Check In Report for July 29, 2005.
- 5) The deadline for School Clothing Allowance application submission was July 31, 2005.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the Department's action in denying the Claimant's West Virginia School Clothing Allowance application.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 8th Day of September, 2005.

**Pamela L. Hinzman
State Hearing Officer**