



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
4190 Washington Street West
Charleston, WV 25313

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

November 7, 2005

Mrs. _____

Dear Mrs. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 28, 2005. Your hearing request was based on the Department of Health and Human Resources' action to deny your School Clothing Allowance application.

In arriving at a decision, the State Hearings 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 School Clothing Allowance Program is based on current policy and regulations. Some of these regulations state as follows: Gross non-excluded income for the Assistance Group is totaled and compared to 100% Federal Poverty Level. The asset limit is \$2,000 (West Virginia Income Maintenance Manual Chapter 15 Appendix C 2005 WEST VIRGINIA SCHOOL CLOTHING ALLOWANCE (WVSCA) (I) and (J)).

The information submitted at your hearing revealed: You had excessive assets and income at the time of application.

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

Sincerely,

Ray B. Woods, Jr., M.L.S.
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Stacey Brown, Economic Service Supervisor

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

_____,

Claimant,

v.

Action Number: 05-BOR-6521

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

Respondent.

DECISION OF THE STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on November 7, 2005 for Mrs. _____. 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 October 28, 2005 on a timely appeal filed August 26, 2005.

It should be noted here that Mrs. _____ did not receive the 2005 School Clothing Allowance benefits. A pre-hearing conference was held between the parties prior to the scheduled hearing and, Ms. _____ did not have legal representation.

II. PROGRAM PURPOSE:

The Program entitled 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:

Mrs. _____, Claimant

Mrs. Stacey Brown, Economic Service Supervisor – Fayette DHHR Office

Presiding at the Hearing was, Ray B. Woods, Jr., M.L.S., State Hearing Officer and a member of the State Board of Review.

IV. QUESTIONS TO BE DECIDED:

The question(s) to be decided: Did Ms. _____ have excessive income and assets for the School Clothing Allowance program?

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Chapter 15, Appendix B 2005 WV WORKS SCHOOL CLOTHING ALLOWANCE (SCA) (I) & (J) and; West Virginia Income Maintenance Manual Chapter 15, Appendix C 2005 WEST VIRGINIA SCHOOL CLOTHING ALLOWANCE (WVSCA) (I) & (J)

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Hearing Summary
- D-2 School Clothing Allowance Application received 07/12/05
- D-3 Wage Verification - _____
- D-4 Wage Verification - _____
- D-5 Denial Letter dated 08/11/05
- D-6 Case Comments dated 08/01/05 – 10/24/05
- D-7 Scheduling Notice dated 08/29/05
- D-8 GroupWise Message re: Scheduling

VII. FINDINGS OF FACT:

1) West Virginia Income Maintenance Manual Chapter 15, Appendix B 2005 WV WORKS SCHOOL CLOTHING ALLOWANCE (SCA) (I) and (J):

(I). INCOME – All WV WORKS income requirements in Chapter 10 apply

(J) ASSETS - The asset limit is \$2,000. The WV WORKS asset policy in Chapter 11 applies.

2) West Virginia Income Maintenance Manual Chapter 15, Appendix C 2005 WEST VIRGINIA SCHOOL CLOTHING ALLOWANCE (WVSCA) (I) and (J):

(I). INCOME Gross non-excluded income for the AG is totaled and compared to 100% FPL. See Chapter 10, Appendix A. There are no deductions from the gross non-excluded income, whether the income is earned or unearned. Income sources are treated according to the WV WORKS column in Section 10.3. Income is prorated and converted as appropriate to arrive at a

monthly amount as it is for any other program. See Section 10.24, A. If the gross non-excluded income is equal to or greater than 100% FPL, the family is ineligible for WVSCA.

NOTE: No deductions or disregards, including the \$50 child support deduction, are applied.

(J). ASSETS

The asset limit is \$2,000. The WV WORKS asset policy in Chapter 11 applies to WVSCA. If countable assets exceed \$2,000, the case is not eligible for WVSCA.

3) Mrs. _____ applied for a school clothing allowance for her children. The application was received in the _____ DHHR Office on July 12, 2005. The application listed Mrs. _____, her husband and five children. On August 1, 2005, Mrs. _____ contacted the Office regarding the status of her application. She was advised that it had not been processed. Mrs. _____ contacted the Customer service Center on August 4, 2005 to determine the status of her application and, was advised that it was not in the system.

The School Clothing Allowance application was processed on August 10, 2005. The Case Worker contacted the household to verify income. The Worker was advised by Mrs. _____'s son that, Mr. _____ worked for another employer. The household income and assets were updated by the Worker. After a review of the information, the application was denied due to excessive household income and assets.

On August 16, 2005, Mrs. _____ contacted the Customer Service Center and reported that Mr. _____ was no longer in the household. The household income was updated. Mrs. _____ inquired about her school clothing allowance application and, was advised to contact the local office.

Mrs. _____ contacted the local office on August 17, 2005 and left a message. The Department returned the call on August 18, 2005 and left a message. On August 24, 2005, Mrs. _____ called the office to dispute the denial of the school clothing application.

Mrs. _____ contends that Mr. _____ left the home in July 2005 and, she had attempted to contact the office in July 2005 to report the changes. The School Clothing Allowance application was dated July 12, 2005. The Department had telephone contacts with Mrs. _____ on August 1st and 4th. There were no reports of Mr. _____'s absence until August 16, 2005.

4) The total gross monthly income for the _____ household was \$2,679.51. The School Clothing Allowance Income Limit was \$2,428.00 for four (4) eligible children. The vehicle assets totaled \$2,375.00.

VIII. CONCLUSIONS OF LAW:

1) West Virginia Income Maintenance Manual Chapter 15, Appendix C 2005 WEST VIRGINIA SCHOOL CLOTHING ALLOWANCE (WVSCA) (I) and (J):

(I). INCOME Gross non-excluded income for the AG is totaled and compared to 100% FPL. See Chapter 10, Appendix A. There are no deductions from the gross non-excluded income,

whether the income is earned or unearned. Income sources are treated according to the WV WORKS column in Section 10.3. Income is prorated and converted as appropriate to arrive at a monthly amount as it is for any other program. See Section 10.24, A. If the gross non-excluded income is equal to or greater than 100% FPL, the family is ineligible for WVSCA.

NOTE: No deductions or disregards, including the \$50 child support deduction, are applied.

(J). ASSETS

The asset limit is \$2,000. The WV WORKS asset policy in Chapter 11 applies to WVSCA. If countable assets exceed \$2,000, the case is not eligible for WVSCA.

2) The 100% Federal Poverty Level for a family of seven (7) is \$2,428.00. The _____'s gross monthly income listed on the School Clothing Allowance application totaled \$2,679.51. The vehicle assets totaling \$2,375.00 for two vehicles also exceeded the \$2,000.00 asset limit for program benefits.

IX. DECISION:

It is the decision of the State Hearing Officer to uphold the Department in this particular matter. The Department acted properly in denying the 2005 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 7th Day of November, 2005.

**Ray B. Woods, Jr., M.L.S.
State Hearing Officer**