



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
2699 Park Avenue, Suite 100  
Huntington, WV 25704

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

October 28, 2005

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Ms. \_\_\_\_\_:

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 26, 2005. Your hearing request was based on your allegation that you were denied the right to apply for the West Virginia School Clothing Allowance (WVSCA) Program.

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 West Virginia School Clothing Allowance Program is based on current policy and regulations. Some of these regulations state as follows: 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 (WV Income Maintenance Manual Section 15, Appendix C).

The information which was submitted at your hearing revealed that you were informed by the cover letter sent to you in June, 2005 that a completed application must be submitted to the local office by July 29, 2005 and you were informed that you could apply on-line for the West Virginia School Clothing Allowance Program.

It is the decision of the State Hearings Officer to uphold the action of the Department and to determine that you were not denied the right to apply for the West Virginia School Clothing Allowance (WVSCA) Program.

Sincerely,

Thomas M. Smith  
State Hearing Officer  
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review  
Leslie Slone, Department Hearing Rep.

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

\_\_\_\_\_,

**Claimant,**

v.

**Action Number: 05-BOR-6536**

**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 October 26, 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 October 26, 2005 on a timely appeal, filed August 29, 2005.

It should be noted here that benefits under the West Virginia School Clothing Allowance (WVSCA) Program were not approved pending a hearing decision.

**II. PROGRAM PURPOSE:**

The Program entitled West Virginia School Clothing Allowance (WVSCA) Program 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:**

1. \_\_\_\_\_, Claimant.
2. \_\_\_\_\_, Claimant's step-father.
3. \_\_\_\_\_, Claimant's mother.
4. Leslie Slone, Department Hearing Representative.
5. Gwen Johnson, Income Maintenance Supervisor.

Presiding at the Hearing was Thomas M. Smith, State Hearing Officer and a member of the State Board of Review.

**IV. QUESTIONS TO BE DECIDED:**

The question to be decided is whether the Department took the correct action to not approve the claimant for the School Clothing Allowance (SCA) Program when an application form was not received by July 31, 2005.

**V. APPLICABLE POLICY:**

WV Income Maintenance Manual Sections 15.0, App. C.

**VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:**

**Department's Exhibits:**

- |       |  |
|-------|--|
| DHR-1 | Copy of hearing summary outline (2 pages).                               |
| DHR-2 | Copy of cover letter for WV School Clothing Allowance Program (2 pages). |
| DHR-3 | Copy of WV Income Maintenance Manual Section 15, App. C (2 pages).       |

**VII. FINDINGS OF FACT:**

- 1) The application process for the 2005 West Virginia School Clothing Allowance (WVSCA) Program consists of an application form (DFA-WVSC-1) being mailed to families with school-age children who received WVSCA in 2004 and who were currently in an active Food Stamp or Medicaid AG and application could also be made on-line by inROADS.
- 2) A completed application is one which is returned to the local office signed by the applicant by 7-31-05.
- 3) The [REDACTED] DHHR office did not receive an application form for the WVSCA Program from the claimant by 7-31-05.

- 4) The claimant called the local DHHR office sometime in August, 2005 and reported that she had an approval letter for the WVSCA Program but then discovered that the letter was a cover letter for the WVSCA Program (Exhibit #DHR-2).
- 5) No application form was received by the local DHHR office and no application was processed for the WVSCA Program and the claimant alleges that she was denied the right to apply for the WVSCA Program as no application form was attached or included with the cover letter.
- 6) Testimony from the claimant and her witnesses indicated that she called the local DHHR office several times and talked to several people and asked if she should come in and was told that she would get a voucher in the mail.
- 7) The State Hearing Officer finds that the cover letter received by the claimant (Exhibit #DHR-2) clearly states that “attached to this letter is a mail-in application form for the WVSCA” and that you must “complete the form and mail it or drop it off at the reception desk of your local Department of Health and Human Resources (DHHR) office”. The cover letter also informs the recipient that “you must return the completed application form to your local DHHR office no later than July 29, 2005” and that “applications received after that date cannot be approved”. The cover letter also informs the recipient that an application can be made through inroads on the DHHR website. The claimant was clearly informed by the letter of the procedures needed to apply for the WVSCA Program and the State Hearing Officer was unconvinced by testimony that an application form was not attached to the cover letter. However, regardless of whether an application form was attached, the claimant had access to the information necessary to obtain an application and was made aware of the deadlines for making such an application. The State Hearing Officer finds that the claimant was not denied the right to apply for the WVSCA Program.
- 8). WV Income Maintenance Manual Section 15 Appendix C states, in part:

“A. APPLICATION PROCESS

NOTE: For the 2005 WVSCA Program, application form DFS-WVSCA-1 will be mailed to families with school-age children who received WVSCA in 2004 and who are currently included in an active Food Stamp or Medicaid AG.

1. Application Forms

An OFS-2 or DFA-WVSCA-1 is used. When an OFS-2 is used, a DFA-WVSC-1 is not required. An OFS-2 may only be required when application is made for another benefit at the same time. Applicants may also use inROADS to apply.

2. Complete Application

The application is complete, when the client signs a DFA-WVSCA-1, OFS-2 or OFS-5 which contains, at a minimum, his name and address. For WVSCA applications submitted through inROADS, the applicant must return the signed signature page by July 31, 2005 or within 10 days of the date the application was submitted on inROADS whichever is later.....

9. Agency Time Limits

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. InROADS will accept applications from 7-1-05 thru 7-31-05.....

13. Beginning Date of Eligibility

Eligibility is determined for the month of July only.”

**VIII. CONCLUSIONS OF LAW:**

- 1) WV Income Maintenance Manual Section 15 Appendix C states that an application form is mailed to families with school-age children who received WVSCA in 2004 and are currently included in an active Food Stamp or Medicaid AG and that the application must be submitted by 7-31-05. The claimant did not submit a completed application by 7-31-05 and no denial of an application took place.
- 2) The cover letter dated June 2005 (Exhibit #DHR-2) clearly informed the claimant that a completed application form had to be returned to the local DHHR office by July 29, 2005.
- 3) The claimant was informed by the cover letter that she could apply on-line.
- 4) The claimant was not denied the right to apply for the WVSCA Program.

**IX. DECISION:**

It is the decision of the State Hearing Officer to uphold the action of the Department. The claimant was not denied the right to apply for the WVSCA Program.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 28th Day of October, 2005.**

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**Thomas M. Smith**  
**State Hearing Officer**