



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 9, 2005

Mrs. _____

Dear Mrs. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 6, 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:

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. (West Virginia Income Maintenance Manual Chapter 15, Appendix C 2005 WEST VIRGINIA SCHOOL CLOTHING ALLOWANCE (WVSCA) (A) (9) – AGENCY TIME LIMITS).

The information submitted at your hearing revealed: You failed to provide documentation to determine your program eligibility in a timely manner.

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
Katherine Lawrence, Economic Service Worker

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

_____,

Claimant,

v.

Action Number: 05-BOR-6560

**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 9, 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 6, 2005 on a timely appeal filed September 6, 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, Mrs. _____ 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

Mr. _____, Spouse
Ms. Katherine Lawrence, Economic Service Worker – [REDACTED] 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 Mrs. _____ provide documentation to determine her eligibility in a timely manner?

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Chapter 15, Appendix C 2005 WEST VIRGINIA SCHOOL CLOTHING ALLOWANCE (WVSCA) (A) APPLICATION PROCESS and; West Virginia Income Maintenance Manual Chapter 15, Appendix C 2005 WEST VIRGINIA SCHOOL CLOTHING ALLOWANCE (WVSCA) (A) (9) – AGENCY TIME LIMITS:

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

DHS-1 Department Summary
DHS-2 Copy of IM-FH-1 (Fair Hearing and/or Conference request form)
DHS-3 Copy of letter from _____ that was attached to IM-FH-1
DHS-4 Copy of IG-BR-29
DHS-5 Copy of IG-BR-40 dated 9/6/05
DHS-6 Copy of DFA-WVSC-1 (School Clothing Application) dated 6/28/05
DHS-7 Copy of WR-IM-L (Verification checklist) dated 7/6/05
DHS-8 Copy of Denial Notice dated 8/12/05
DHS-9 Copy of Employer statement dated 8/31/05
DHS-10 Copy of Case Comments
DHS-11 Copy of Income Maintenance Policy Chapter 15 App B and C

VII. FINDINGS OF FACT:

1) An application for WV School Clothing Allowance was received in the [REDACTED] DHHR Office on June 28, 2005. The application was processed by Mr. Roger Basham, Economic Service Worker on July 6, 2005. The application was pended for proof of income for Mr. _____. The information was due in the office no later than July 16, 2005.

On August 3, 2005 (28 days after case was pended) Mrs. _____ called the Customer Service Center to check on the status of her School Clothing Application. She was advised that the case was pended for Mr. _____'s pay stubs for the last 30 days. At that time, she stated

that Mr. _____ did not receive pay stubs. She was then advised that she would need to provide an _____ employer statement to verify gross weekly wages for her husband.

On August 11, 2005 Ms. Katherine Lawrence, Economic Service Worker, completed the processing of this case due to Mr. Roger Basham being out of the office on extended medical leave. It was determined that the income verification for Mr. _____ had not been received. The case was updated and, the school clothing application was denied by letter dated August 12, 2005.

On August 12, 2005 Mrs. _____ called the Customer Service Center to see if her SCA application had been processed. She was advised that the application had been denied for not providing necessary verifications. She was also advised that her Food Stamp case had been closed and, she would need to contact the _____ DHHR to determine what was needed.

On August 12, 2005 Ms. Katherine Lawrence received a call from Mrs. _____. She was advised that the application had been denied for not providing income verifications that were due July 16, 2005. Mrs. _____ stated the information was forwarded but, did not know who she sent it to. She did not include the pending letter with the verifications. Mrs. _____ wanted to know if she could send it in August 12, 2005. After discussing the situation with a supervisor, it was determined that all verifications for SCA must be received within 30 days of application. The application was received June 28, 2005 and processed July 6, 2005. August 12, 2005 is more than 30 days from either of these dates. The application was denied and the deadline for reapplication had passed. Mrs. _____ was advised that the decision to deny the application would stand.

On August 16, 2005, Mrs. _____ contacted the Customer Service Center regarding the Food Stamp closure. She stated that she had provided the needed information. She could not say when she sent it in. She wanted to know what to do. She was informed of her right to request a hearing.

On August 31, 2005 Mrs. _____ called the _____ DHHR Office concerning her School Clothing Application. She was again advised that the application was denied because needed information was not received. She stated that she mailed the information to the local office but, did not put a workers name on it and, she did not send the ES-6 as requested. She was advised that if she would provide the employers statement, her Food Stamp case could be reopened. She requested a hearing on her School Clothing application at that time.

On August 31, 2005 Mrs. _____ called again regarding her School Clothing application. Ms. Tonda Griffith, Economic Service Worker took the phone call. Ms. Griffith pulled the case file to determine if any income verification had been received and placed in filing by mistake. It was determined that there was no verification of Mr. _____'s income in the case file. The hearing request was forwarded to Ms. Katherine Lawrence who took action and denied the application.

On September 1, 2005 Ms. Katherine Lawrence received the employer statement that Mrs. _____ brought to the office on August 31, 2005. It should be noted that the statement was signed and dated by the employer on August 31, 2005, as well as being received in the office on August 31, 2005. The case was updated September 1, 2005. The workers comments from

that date indicate that the customer was not eligible for food stamps due to excessive income. However, in preparing for this hearing, Ms. Katherine Lawrence discovered the household income does fall within the allowable income limit for Food Stamps. Food stamps for the full month of September were approved September 13, 2005.

2) The 'Hearsay Rule' was explained to Mrs. _____ regarding any references made by Ms. Lawrence to case comments or, statements by persons not available for cross-examination. Mrs. _____ did not have any objections.

3) Mrs. _____'s testimony did not provide any additional information about submitting documentation to determine her eligibility for the WEST VIRGINIA SCHOOL CLOTHING ALLOWANCE (WVSCA) program.

4) West Virginia Income Maintenance Manual Chapter 15, Appendix C 2005 WEST VIRGINIA SCHOOL CLOTHING ALLOWANCE (WVSCA) (A) APPLICATION PROCESS

NOTE: For the 2005 WVSCA Program, application form DFA-WVSC-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 Assistance Group.

5) West Virginia Income Maintenance Manual Chapter 15, Appendix C 2005 WEST VIRGINIA SCHOOL CLOTHING ALLOWANCE (WVSCA) (A) (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.

VIII. CONCLUSIONS OF LAW:

1) West Virginia Income Maintenance Manual Chapter 15, Appendix C 2005 WEST VIRGINIA SCHOOL CLOTHING ALLOWANCE (WVSCA) (A) (9) – AGENCY TIME LIMITS states:

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.

The Department processed Mrs. _____'s School Clothing Allowance application on July 6, 2005. The Verification Checklist Letter required Mrs. _____ to provide proof of Mr. _____'s gross earned income by pay stubs or employer statement. The information was required to be in the [REDACTED] DHHR Office by July 16, 2005. When the information was not received by July 16, 2005, the Department denied the application by letter dated August 12, 2005. There are no available records that Mrs. _____ submitted the information before the deadline.

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 9th Day of November, 2005.

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