



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

November 23, 2005

Dear Ms. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held November 18, 2005. Your hearing request was based on the Department of Health and Human Resources' refusal to replace your West Virginia School Clothing Allowance vouchers.

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: School Clothing Allowance vouchers can be replaced when they are lost, stolen, not received, returned to the Bureau of Children and Families Office of Finance and Administration, mutilated, destroyed, or when an SCA application denial is reversed in a fair hearing. (West Virginia Income Maintenance Manual Chapter 15, Appendix B, N)

Information submitted at the hearing revealed that you accidentally threw away your School Clothing Vouchers. According to policy, replacement cannot be made for vouchers discarded upon receipt.

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

Sincerely,

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

cc: Erika H. Young, Chairman, Board of Review
Alyce Rose, Family Support Specialist, DHHR

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

_____,

Claimant,

v.

Action Number: 05-BOR-6622

**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 November 23, 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 November 18, 2005 on a timely appeal filed August 10, 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
Alyce Rose, Family Support Specialist, 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 replacement of the Claimant's School Clothing Allowance vouchers.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Chapter 15, Appendix B, N

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Voucher Issuance History- Disbursement
- D-2 Voucher Issuance History- Details
- D-3 Rapids case comments
- D-4 West Virginia Income Maintenance Manual Chapter 15, Appendix B, N
- D-5 Electronic mail transmission concerning voucher replacement specific to case

VII. FINDINGS OF FACT:

- 1) The Claimant applied for a West Virginia School Clothing Allowance for her child and Rapids computer system records (D-1, D-2) indicate that two \$75 vouchers were disbursed to the Claimant on June 30, 2005. Evidence indicates that the vouchers were issued, but have not been redeemed.
- 2) The Claimant contacted DHHR in August 2005 to report that she accidentally threw away the School Clothing Vouchers and requested that they be replaced.
- 3) The Department informed the Claimant that accidentally discarding vouchers is not listed as a reason for replacement in West Virginia Income Maintenance Manual Chapter 15, Appendix B, N (D-4).
- 4) While the situation is not specifically addressed as a reason for voucher replacement, policy stipulates that the Bureau of Children and Families Office of Finance and Administration can evaluate replacement requests on a case-by-case basis for situations not specifically listed. The hearing record remained open until policy officials could be contacted and asked to evaluate the Claimant's case circumstances. A response was received on November 21, 2005 via electronic mail transmission (D-5) which indicated

that there is “no provision for replacing vouchers that were received and then lost by the recipient, since the voucher is considered a negotiable.”

- 5) Ms. _____ questioned why the vouchers cannot be replaced in her case when replacement is permitted in other situations and when computer records verify that the vouchers have not been redeemed.
- 6) West Virginia Income Maintenance Chapter 15, Appendix B, N states:

Outlined below are situations in which the WV WORKS SCA vouchers may be replaced. If replaced prior to September 30, 2005, this may be done in RAPIDS. For replacements after September 30, 2005, contact the RAPIDS Help Desk for instructions.

Any situations that arise after October 31, 2005 must be sent to DFA Family Support Policy Unit for an evaluation of replacement on a case-by-case basis.

For situations not addressed below, contact the BCF Office of Finance and Administration. Those situations will be evaluated for replacement on a case-by-case basis.

1. Lost/Stolen/Not Received Vouchers

If a voucher is stolen or lost prior to receipt, the same procedures that apply to other special payment warrants are applied. See Section 21.3. The Worker must secure an affidavit of loss, form OFA-SCA-2, from the client and issue the replacement voucher through RAPIDS.

Only the following situations result in a replacement SCA voucher:

- The voucher was not delivered by USPS (Auxiliary Reason - 926).
- There has been a change in payee (Auxiliary Reason 929). If a payee change is requested, the original voucher must be returned.
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NOTE: Do not issue the amount to be replaced from EA funds.

2. Vouchers Returned to BCF Office of Finance and Administration

Vouchers which cannot be delivered by the postal service are returned to BCF Office of Finance and Administration.

Communication between the state and county offices regarding returned vouchers will be outside RAPIDS. BCF Office of Finance and Administration will notify the CSM's designee in each county

of the return by electronic mail. The designee's reply must include all of the information in the original message.

3. Mutilated/Destroyed Vouchers

When a voucher is torn, water-damaged, etc., to the extent that the vendor will not accept it, the voucher may be replaced. The remnants of the voucher must be brought to the local office and returned to BCF Office of Finance and Administration. The Worker issues the replacement through RAPIDS.

Vouchers that have been completely destroyed, such as in a house fire, may be replaced. The Worker must record the circumstances on CMCC.

4. Application Denial is Reversed in a Fair Hearing

When a Hearings Officer rules in a Fair Hearing that the SCA denial was inappropriate, the Worker must issue the vouchers to the applicant.

VIII. CONCLUSIONS OF LAW:

- 1) Rapids computer system information reveals that two \$75 School Clothing Allowance vouchers were disbursed to the Claimant on June 30, 2005.
- 2) Rapids information indicates that the two vouchers have not been redeemed.
- 3) While the Claimant's testimony concerning her accidental discard of the vouchers is credible and the vouchers have clearly not been redeemed, Income Maintenance Policy makes no provision for the replacement of School Clothing Allowance vouchers which are thrown away after they are received.
- 4) The Department acted correctly in refusing to replace the Claimant's School Clothing Allowance vouchers.

IX. DECISION:

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

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 23rd Day of November, 2005.

Pamela L. Hinzman
State Hearing Officer