



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 14, 2005

Ms. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Attached is a copy of the findings of fact and conclusions of law on your hearing held November 1, 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: The deadline for the School Clothing Allowance program was July 31, 2005. Since the deadline was on a Sunday, you were allowed to submit your application through Monday, August 1, 2005. The Department received your School Clothing Allowance application on Tuesday, August 2, 2005.

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  
Carol Halstead, Economic Service Supervisor

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

\_\_\_\_\_,

**Claimant,**

v.

**Action Number: 05-BOR-6929**

**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 14, 2005 for Ms. \_\_\_\_\_. 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 1, 2005 on a timely appeal filed October 11, 2005.

It should be noted here that Ms. \_\_\_\_\_ 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. This matter was originally scheduled to address the Food Stamp and Medicaid Programs. Ms. Carol Halstead discovered during the pre-hearing conference that, Ms. \_\_\_\_\_ wanted a hearing on the denial of her School Clothing Allowance application.

**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:**

Ms. \_\_\_\_\_, Claimant

Ms. Carol Halstead, Economic Service Supervisor – Kanawha 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 the Department receive Ms. \_\_\_\_\_'s School Clothing Allowance application before the program deadline?

**V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual Chapter 15, Appendix B 2005 WEST VIRGINIA SCHOOL CLOTHING ALLOWANCE (SCA) (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:**

- D-1 Department Summary
- D-2 Copy of DFA-WVSC-1 (School Clothing Application) dated 07/05/05
- D-3 Copy of envelope date stamped 08/01/05
- D-4 Copy of Denial Notice dated 8/03/05
- D-5 Copy of Income Maintenance Policy Chapter 15 Appendix B
- D-6 Scheduling Notice dated 10/12/05
- D-7 Request for Hearing dated 09/30/05

**VII. FINDINGS OF FACT:**

1) An application for the WV School Clothing Allowance program was received in the \_\_\_\_\_ DHHR Office on Tuesday, August 2, 2005, (Exhibit D-2). It was dated July 5, 2005 and postmarked Monday, August 1, 2005, (Exhibit D-3). The Department denied the application by letter dated August 3, 2005, (Exhibit D-4). According to the West Virginia Income Maintenance Manual Chapter 15, Appendix C 2005 WEST VIRGINIA SCHOOL CLOTHING ALLOWANCE (WVSCA) (A) (9) – AGENCY TIME LIMITS, (Exhibit D- 5), it states in part, “The deadline for the program was July 31, 2005.”

2) West Virginia Income Maintenance Manual Chapter 15, Appendix B (A) 2005 WEST VIRGINIA SCHOOL CLOTHING ALLOWANCE (SCA) states in part, “The application process is the same as for the WV WORKS applicants.”

**3) 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.

**4) Ms. \_\_\_\_\_ entrusted her step-father to mail the application on July 28, 2005.**

**VIII. CONCLUSIONS OF LAW:**

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.

An application for the WV School Clothing Allowance program was received in the [REDACTED] DHHR Office on Tuesday, August 2, 2005, (Exhibit D-2). It was dated July 5, 2005 and postmarked Monday, August 1, 2005, (Exhibit D-3). The Department denied the application by letter dated August 3, 2005, (Exhibit D-4).

**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 14th Day of November, 2005.**

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