



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 20, 2006

Dear _____

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 24, 2006. Your hearing request was based on the Department of Health and Human Resources' action to deny your School Clothing Allowance (SCA) 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:

The application is complete, when the client signs a DFA-WVSC-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, 2006 or within 10 days of the date the application was submitted on inROADS whichever is later.

The information submitted at your hearing revealed: (1) The required signature page cannot be located by the Department; and (2) The application did not list any children to receive the benefit.

It is the decision of the State Hearings Officer to UPHOLD the ACTION of the Department to DENY the incomplete application.

Sincerely,

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

cc: State Board of Review
Kristi Peterson, ESW

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

_____,

Claimant,

v.

Action Number: 06-BOR-2692

**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 20, 2006 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 originally scheduled on October 10, 2006 on a timely appeal filed August 16, 2006. The Department Representative was not prepared for the hearing and it was rescheduled. The hearing finally convened on October 24, 2006.

It should be noted here that the Claimant is not a current recipient of Departmental benefits, and was not represented by legal counsel. A pre-hearing conference between the parties did not resolve the issue.

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:

_____, Claimant

Kristi Peterson, Economic Services Worker/Department Representative – Kanawha District 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 is: Did Ms. _____ submit a completed SCA application?

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Chapter 15, Appendix C (A) (2) - 2006 West Virginia SCHOOL CLOTHING ALLOWANCE (WVSCA)

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 School Clothing Allowance application printed 07/18/06
- D-2 Signature page mailed to Claimant
- D-3 Decision Letter dated 08/03/06
- D-4 West Virginia Income Maintenance Manual Chapter 15, Appendix C (A)(2) – Completed SCA Application

Claimants' Exhibits:

None

VII. FINDINGS OF FACT:

1. The Claimant applied for the School Clothing Allowance program through the Department's Website called "inROADS" on July 14, 2006 (Exhibit D-1).
2. inROADS is defined as an "Online application for Children and Pregnant Women Medicaid, West Virginia Children's Health Insurance Program (WVCHIP), Food Stamps, Medicare Premium Assistance Programs, School Clothing Allowance (SCA) and Low Income Energy Assistance Program (LIEAP). Screening now available for Food Stamp, Medicare Premium Assistance Programs, SCA, LIEAP, Cash Assistance (TANF), Long Term Care, Non-Emergency Medical Transportation (NEMT) and Healthcare."
3. West Virginia Income Maintenance Manual Chapter 15, Appendix C (A) (2) – Completed SCA Application (Exhibit D-4) states:

The application is complete, when the client signs a DFA-WVSC-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, 2006 or within 10 days of the date the application was submitted on inROADS whichever is later.

NOTE: If the applicant has completed the interactive interview, and there is a technical failure that prevents printing the OFS-2, form OFS-5 must be signed by the applicant and filed in the case record with the subsequently printed OFS-2. He must not be required to return to the office to sign the OFS-2 when an OFS-5 has been signed.

An application is considered incomplete when the client chooses not to sign the OFS-2 or DFA-WVSC-1 or does not return the completed inROADS signature page. It is a withdrawal, and appropriate data system action and client notification must be completed. The recording in Case Comments must specify that the client did not want to sign the application or did not return the inROADS signature page so there is no misunderstanding that he was denied the right to apply.

4. The Department Representative mailed a copy of the signature page to the Claimant for her signature (Exhibit D-2). The Claimant confirmed the receipt of the signature page and personally returning it to the Department.
5. The Department Representative testified that the signature page could not be located in the Claimant's file or in the records room. In addition, the application did not list any children in the household.
6. The Claimant testified that she did not list the children on the application because she was involved in a custody issue with the children's relatives. The children were court-ordered to spend three days a week with her and four days a week with their cousins.
7. The Department denied the SCA application by letter dated August 3, 2006 (Exhibit D-3). The letter stated in part:

Your application for School Clothing Allowance dated 07/14/06 has been DENIED. REASON: No one for whom benefits were requested meets all the program requirements for this category of assistance.

8. The Department Representative did not provide a copy of the SCA policy at the hearing. The State Hearing Officer requested that a copy be provided to him and the Claimant. The Claimant was given an opportunity to provide written comments regarding the policy. No written comments were received as of the date of this decision.

VIII. CONCLUSIONS OF LAW:

1. West Virginia Income Maintenance Manual Chapter 15, Appendix C (A) (2) – Completed SCA Application states in part:

The application is complete, when the client signs a DFA-WVSC-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, 2006 or within 10 days of the date the application was submitted on inROADS whichever is later.

2. The Claimant's inROADS SCA application was dated July 14, 2006, and did not list the names of any children or the required signature page.
3. The Department Representative mailed a copy of the signature page to the Claimant, who confirmed receiving the document. Despite the Claimant's testimony of returning the signature page, it could not be located in either of the Claimant's file or in the records room.
4. The SCA application was incomplete and correctly denied for benefits.

IX. DECISION:

It is the decision of this State Hearing Officer to UPHOLD the ACTION of the Department in this particular matter.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 20th Day of November, 2006.

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