



**State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
150 Maplewood Avenue  
Lewisburg, WV 24901**

**Joe Manchin III  
Governor**

**Martha Yeager Walker  
Secretary**

October 31, 2006

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

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

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 30, 2006. Your hearing request was based on the Department of Health and Human Resources' action to deny your application for the School Clothing Allowance Program.

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 School Clothing Allowance (SCA) Program is based on current policy and regulations. Some of these regulations state as follows: The following situations result in ineligibility for the individual who meets at least one of the following criteria. One situation listed is an individual, age 18 or over, who is eligible for SSI benefits as determined by SSA. (Section 9.21 #3 of the West Virginia Income Maintenance Manual)

The information which was submitted at your hearing revealed that you applied for the School Clothing Allowance for your grandson. He is age 18 and a recipient of SSI.

It is the decision of the State Hearing Officer to uphold the action of the Department to deny your application for the School Clothing Allowance Program.

Sincerely,

Margaret M. Mann  
State Hearing Officer  
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review  
Susan Godby, DHHR

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

\_\_\_\_\_,  
**Claimant,**

v.

**Action Number: 06-BOR-2744**

**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 30, 2006 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 30, 2006 on a timely appeal, filed August 14, 2006.

It should be noted here that the claimant's SCA benefits have been denied.

**II. PROGRAM PURPOSE:**

The Program entitled School Clothing Allowance 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  
\_\_\_\_\_, Claimant's Spouse  
Dorothy Ellison Hunter, Department Hearing Representative

Presiding at the hearing was Margaret M. Mann, 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 was correct in the decision to deny the claimant's application for the SCA as the only individual in the Assistance Group (AG) is age eighteen and a recipient of SSI.

**V. APPLICABLE POLICY:**

Chapter 15, Appendix C, Part H. and Section 9.21A of the West Virginia Income Maintenance Manual

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

**Department's Exhibits:**

- D-1 IG-BR-29 Hearing/Grievance Record Information
- D-2 Notification Letter dated 08/18/06
- D-3 Section 9.21, Appendix B, Chapter 15 and Appendix C, Chapter 15 of the West Virginia Income Maintenance Manual
- D-4 Department's Summary

**VII. FINDINGS OF FACT:**

- 1) The claimant made an application for School Clothing Allowance (SCA) Program on July 7, 2006. The application was made for the claimant's grandson, \_\_\_\_\_, who is eighteen years of age and receives SSI in the amount of \$603 per month. \_\_\_\_\_ is a high school senior.
- 2) A letter was sent to claimant dated 08/18/06 (D-2). It reads in part: Your application for the School Clothing Allowance dated 07/07/06 has been denied. Reason: No individual is eligible for School Clothing Allowance. \_\_\_\_\_ – You will not receive this benefit because you get SSI.
- 3) Testimony during the hearing revealed that \_\_\_\_\_ is a high school senior. This is the year he needs assistance the most due to graduation expenses. He should not be penalized because he is eighteen years of age. He does receive SSI.

- 4) Chapter 15, Appendix C, Part H., of the West Virginia Income Maintenance Manual reads in part that the policy for Eligibility Determination Groups is the same as WV WORKS in Section 9.21.
- 5) Section 9.21A of the West Virginia Income Maintenance Manual reads in part that although the individuals listed below are required to be included in the WV WORKS AG, if otherwise eligible, an SSI recipient, age 18 or over, cannot be included in the AG.
- 6) Section 9.21A #3 of the West Virginia Income Maintenance Manual reads in part that the following situations result in ineligibility for the individual who meets at least one of the following criteria. One situation listed is an individual, age 18 or over, who is eligible for SSI benefits as determined by SSA.

### **VIII. CONCLUSIONS OF LAW:**

- 1) Policy dictates that an SSI recipient, age 18 or over, cannot be included in the Assistance Group (AG).
- 2) The only individual in the AG for the SCA is age 18 and a recipient of SSI.
- 3) The denial of the application is valid.

### **IX. DECISION:**

It is the finding of the State Hearing Officer that the claimant's grandson is not eligible for the School Clothing Allowance because he is age eighteen and a recipient of SSI. The Department is upheld in the decision to deny the claimant's application for the School Clothing Allowance Program.

### **X. RIGHT OF APPEAL:**

See Attachment

### **XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 31st Day of October, 2006.**

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**Margaret M. Mann  
State Hearing Officer**