



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
200 Davis Street  
Princeton, WV 24740

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

October 19, 2006

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

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

Attached is a copy of the findings of fact and conclusions of law on your hearing held September 28, 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 West Virginia School Clothing Allowance (WVSCA) Program is based on current policy and regulations. Some of these regulations state as follows: individuals who are recipients of federal, state or local foster care maintenance payments cannot be included in the benefit group. (WV Income Maintenance Manual Chapter 9.21 A.3)

The information which was submitted at your hearing revealed that your three children were included in a foster care maintenance program during the month of July, 2006 and therefore were ineligible to be included in the benefit group for WV School Clothing Allowance for the same month.

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

Sincerely,

Cheryl McKinney  
State Hearing Officer  
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review  
Shelia Napier, [REDACTED] DHHR

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

\_\_\_\_\_,

**Claimant,**

v.

**Action Number: 06-BOR-2891**

**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 September 28, 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 September 28, 2006 on a timely appeal, filed August 29, 2006.

It should be noted here that the claimant's WVSCA 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 School Clothing Allowance (WVSCA) Program is designed to provide clothing assistance for school age children. 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  
Shelia Napier, Income Maintenance, [REDACTED] DHHR

Presiding at the hearing was Cheryl McKinney, 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 WVSCA due to all eligible children being included in foster care maintenance payments during the month of application.

**V. APPLICABLE POLICY:**

WV Income Maintenance Manual Chapter 15, Appendix C  
WV Income Maintenance Manual Chapter 9.21,A.3

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

**Department’s Exhibits:**

- D-1 Copy of ES-NL-1 Dated 8-14-06
- D-2 DFA-WVSC-1 (WV School Clothing Allowance Application)
- D-3 FACTS screen print of paid claim for SCA for \_\_\_\_\_
- D-4 FACTS screen print of paid claim for SCA for \_\_\_\_\_
- D-5 FACTS screen print of paid claim for SCA for \_\_\_\_\_
- D-6 WV Income Maintenance Manual Chapter 15, Appendix B
- D-7 Copy of DHHR Hearing Summary

**VII. FINDINGS OF FACT:**

- 1) The claimant submitted an application for West Virginia School Clothing Allowance (WVSCA) on July 26, 2006. (D-2) The claimant’s three school aged children were returned to her custody on July 26, 2006 after having been in Foster Care since March 24, 2006. The Department issued clothing allowances to the Foster Parent in the amount of \$200.00 for each child, a total of \$600.00 during July 2006 which was listed as “School Clothing Allowance” as “payment type” in the FACTS computer system. (D-3, D-4, D-5)
- 2) The Department sent the claimant a denial letter dated August 14, 2006 (D-4). It reads in part: “Your application for the School Clothing Allowance has been denied. Reason: Individual is already receiving this assistance.” The claimant testified that she called the Department a few days before receiving this letter and was told that her application

would be denied because the Foster Parent had already received this payment on the children's behalf.

- 3) The claimant testified that her children have no new clothes for school. She stated that the boys returned to her with one new pair of jeans, and one of the children had a new pair of shoes. She stated that they have no new socks or underclothes. The claimant testified she understands why she was denied, but feels it is unfair because her children did not receive the full benefit of the clothing allowances. The claimant questions whether the \$600.00 foster care clothing allowance was spent on her children's clothing needs. The claimant testified that she has been in contact with the Department representatives in charge of the Foster program payments, but is not fully satisfied with their response.
- 4) The claimant testified she just began a new job and does not have much money available at this time to buy clothes for her three teenage boys, and was counting on the School Clothing Allowances to help her purchase clothing for them.
- 5) WV Income Maintenance Manual Chapter 15, Appendix C.H., states in relevant part that the policy for WVSCA Eligibility Determination Groups is the same as WV Works Eligibility Determination Groups in Section 9.21.
- 6) Section 9.21,A.3 of the West Virginia Income Maintenance Manual reads in part that individuals who are recipients of federal, state or local foster care maintenance payments are not eligible to be included in the WV Works Eligibility Determination Group.

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

- 1) Policy is clear in that an individual who is a recipient of foster care maintenance payments is not to be included in the Eligibility Determination Group when determining eligibility for WV School Clothing Allowance benefits. All three of claimant's school aged children were included in foster care maintenance payments during the month of application, and therefore no eligible children were listed on the July 26, 2006 application.
- 2) The Department applied policy correctly and acted properly in denying claimant's July 26, 2006 application for WV School Clothing Allowance.

#### **IX. DECISION:**

Although the claimant's concerns about her children suffering from the alleged misuse of the foster care program's school clothing allowance of \$600.00 is understandable, it is not relevant in this hearing. The claimant is encouraged to continue in her negotiations with the Department's Foster Care Representative to resolve her concerns, and to determine her available recourse in the event she is dissatisfied with the outcome of those negotiations.

After reviewing the evidence and testimony presented during the hearing and the applicable policy and regulations, I am ruling to **uphold** the Department in their action to deny the WV School Clothing Allowance application dated July 26, 2006.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 19th Day of October, 2006.**

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**Cheryl McKinney  
State Hearing Officer**