



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

January 24, 2006

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

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

Attached is a copy of the findings of fact and conclusions of law on your hearing held August 31, 2005. 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: If the gross non-excluded income is equal to or greater than 100% FPL, the family is ineligible for the WVSCA. (Chapter 15, Appendix C, Part I, of the West Virginia Income Maintenance Manual)

The information which was submitted at your hearing revealed that your monthly gross non-excluded income exceeds the allowable limits for the SCA Program.

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,

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

cc: Erika H. Young, Chairman, Board of Review  
Henrietta Martin, DHHR

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

\_\_\_\_\_,

**Claimant,**

v.

**Action Number: 05-BOR-6241**

**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 August 31, 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 August 31, 2005 on a timely appeal, filed July 19, 2005.

It should be noted here that the claimant's 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 (By Telephone)

Henrietta Martin, Department Hearing Representative (By Telephone)

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 household did not meet the financial requirements.

**V. APPLICABLE POLICY:**

Chapter 15, Appendix C, Part I., and Chapter 10, Appendix A of the West Virginia Income Maintenance Manual

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

**Department's Exhibits:**

- D-1 Department's Summary
- D-2 Application for School Clothing Allowance (\_\_\_\_\_) dated 07/15/05
- D-3 Statement from Bureau for Child Support Enforcement dated 07/25/05
- D-4 Application for School Clothing Allowance (\_\_\_\_\_) dated 07/27/05
- D-5 Application for School Clothing Allowance (\_\_\_\_\_) dated 07/27/05
- D-6 Notification letter dated 07/18/05

**Claimants' Exhibits:**

- C-1 BB&T of VA Account Transaction History 07/12/2005 through 08/09/2005

**VII. FINDINGS OF FACT:**

- 1) The claimant made two applications for the School Clothing Allowance in July, 2005. There were two in the AG. Income listed on the application dated 07/15/05 is Unemployment \$171 weekly and child support \$500. (D-2) The same income is listed on the application filed 07/27/05. (D-4) Both were denied because of excessive income. The claimant had requested the hearing on the first denial.
- 2) The monthly income considered was UCI of \$735.30 (171 x 4.3) and child support of \$500.00. (D-2, D-3 and D-4) Total monthly gross income \$1235.30.
- 3) A statement from the Bureau for Child Support Enforcement dated 07/25/05 shows the following child support payments issued in July: 07/14/05 \$150.92 and 07/05/05 \$349.08. Total: \$500. The same amounts were issued in June, 2005. (D-3)

- 4) Testimony from the claimant revealed the claimant received the above payments in July. However, she disagrees with the payments being counted as part of this child support was for June. (C-1) She also has to pay her bills. She has to take the money and pay her bills.
- 5) The printout from the bank does not show all transactions for the month of July, 2005. (C-1)
- 6) The claimant was notified of the denial in a letter dated 07/18/05. (D-6) The hearing was requested verbally on 07/19/05.
- 7) Chapter 15, Appendix C, Part I., of the West Virginia Income Maintenance Manual reads that gross non-excluded income for the AG is totaled and compared to 100% FPL. There are no deductions from the gross non-excluded income, whether the income is earned or unearned. Income sources are treated according to WV WORKS column in Section 10.3. Income is prorated and converted to arrive at a monthly amount as it is for any other program. If the gross non-excluded income is equal to or greater than 100% FPL, the family is ineligible for the WVSCA.
- 8) Chapter 10, Appendix A, shows the maximum 100% FPL level for an AG of 2 as \$1070.

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

- 1) Policy is clear in that gross non-excluded income for the AG is totaled and compared to 100% FPL. There are no deductions from the gross non-excluded income, whether the income is earned or unearned. If the gross non-excluded income is equal to or greater than 100% FPL, the family is ineligible for the WVSCA.
- 2) The AG's total gross non-excluded income for July was \$1235.30.
- 3) The 100% FPL for an AG of 2 is \$1070.
- 4) Testimony received from the claimant does not clearly demonstrate any changes to the conclusions reached by the Department.

### **IX. DECISION:**

It is the finding of the State Hearing Officer that the household had excessive income for the School Clothing Allowance Program. 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 24th Day of January, 2006.**

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**Margaret M. Mann  
State Hearing Officer**