



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
PO Box 6165  
Wheeling, WV 26003

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

October 15, 2007

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

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

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 9, 2007. Your hearing request was based on the Department of Health and Human Resources' action to deny West Virginia School Clothing Allowance benefits based on failure to provide necessary verifications.

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 Program is based on current policy and regulations. Some of these regulations state as follows: All appropriate WV WORKS verification requirements in Chapter 4 apply. (West Virginia Income Maintenance Manual Chapter 15 Appendix B item D) Applicants for all programs subject to an asset test must have verification initiated prior to approval but approval is not delayed until verification is received. (West Virginia Income Maintenance Manual Chapter 4.2 item 3)

Information submitted at your hearing reveals that the agency requested verification of the value of Stocks/Bonds that you reported on your School Clothing Allowance application but delayed approval until the verification was received. You reported at the time of application that the Stocks/Bonds were valued at \$53.00 and at the hearing provided verification that the value was \$84.81. Both your estimated value at time of application and at hearing were well within the asset limit for the School Clothing Allowance program

It is the decision of the State Hearing Officer to **reverse** the action of the Department to deny your School Clothing Allowance application.

Sincerely,

Melissa Hastings  
State Hearing Officer  
Member, State Board of Review

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

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

\_\_\_\_\_,

**Claimant,**

v.

**Action Number: 07-BOR-2022**

**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 9, 2007 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 9, 2007 on a timely appeal filed August 29, 2007.

**II. PROGRAM PURPOSE:**

The program entitled West Virginia 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  
Susan Drake, DHHR Representative

Presiding at the hearing was Melissa Hastings State Hearings 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 took the correct action in denying the Claimant's School Clothing Allowance application.

**V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual Sections 4.2 and 15-Appendix B and C

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

**Department's Exhibits:**

- D-1 School Clothing Allowance application date-stamped July 26, 2007
- D-2 Verification Checklist dated August 9, 2007
- D-3 Notice of Decision for School Clothing Allowance dated August, 21, 2007
- D-4 Notice of Decision for Medical Assistance dated August, 21, 2007
- D-5 West Virginia Income Maintenance Manual Chapter 15 Appendix B
- D-6 West Virginia Income Maintenance Manual Chapter 15 Appendix C

**Claimant's Exhibits:**

- C-1 AT&T Inc. Direct Service Investment Program Statement dated August 1, 2007

**VII. FINDINGS OF FACT:**

- 1) The Claimant submitted a School Clothing Allowance application which was date-stamped in the [REDACTED] County DHHR Office on July 26, 2007 (D-1). In section IV Assets the Claimant listed that the household had Stocks/Bonds in her name with a current value of \$53.00. The only other assets listed were a \$5.00 savings account and a \$500 vehicle.
- 2) The asset limit for the School Clothing Allowance Program is \$2000. (D5)
- 3) The worker reviewing the application sent Claimant a verification checklist on August 9, 2007 (D2) which states as follows:

This is to inform you that the information listed below is needed to establish your eligibility and/or deductions for: School Clothing Allowance

If this information is not made available to this office by 08/19/07 your eligibility for benefits and/or deductions cannot be established or continued.

School Clothing Allowance verifications required. Stocks and Bonds Proof of the value of this asset.

- 4) The verification of the value of the stocks/bonds was not provided to the agency by August 19, 2007. The agency issued a Notice of Decision dated 8/21/07 which stated:

Action: Your application for School Clothing Allowance dated 07/26/2007 has been denied.

Reason: You did not turn in all requested information

- 5) Claimant's testimony indicates that she did not receive the request for information and found out when she called into the office that her application had been denied. Her testimony indicates that she contacted the office the second and third week of August to check on the status of her application but was told to call back as the staff was busy processing them.

- 6) Claimant presented a statement of the value of the stock she owns from her previous employer AT&T. The statement dated August 1, 2007 indicated the value of the questioned asset was \$84.81.

- 7) West Virginia Income Maintenance Manual Chapter 15 Appendix B Item D states:

All appropriate WV WORKS verification requirements in Chapter 4 apply.

- 8) West Virginia Income Maintenance Manual Chapter 15 Appendix B Item J states:

The asset limit is \$2,000.

- 9) West Virginia Income Maintenance Manual Chapter 4.2 Verification Requirements states:

<u>Item</u>	<u>Programs</u>	<u>When to Verify</u>
Bank Accounts , CD's and Other	All Programs and coverage groups	Applicants: Initiate verification prior to approval, do not delay
Liquid Assets	subject to an asset test	approval until received.

## CONCLUSIONS OF LAW:

- 1) Policy establishes the asset limit for the School Clothing Allowance Program at \$2000.
- 2) Claimant filed an application for the School Clothing Allowance Program within the prescribed time frames for accepting an application (July 1 through July 31). Within the application, the Claimant indicated that she owned stocks/bonds valued at \$53.00. This asset combined with other claimed assets on the form totaled \$558.00. The agency requested verification of the value of the stocks/bonds on August 9, 2007 and requested

the verification be returned by August 19, 2007. On August 21, 2007 the agency denied the application for failure to provide the information requested.

- 3) West Virginia Income Maintenance Manual Chapter 15 Appendix B and C require the agency to utilize policy found in Chapter 4 when determining verification requirements for the School Clothing Allowance Program.
- 4) West Virginia Income Maintenance Manual Chapter 4 section 4.2A lists the verification requirements for Assets for all Income Maintenance Programs. The verification requirements for bank accounts, CD's and other liquid assets indicates that for applicants the agency is to initiate verification prior to approval but are not to delay approval until the verification is received. On August 9, 2007 when the agency reviewed the application and requested the verification of the stocks/bonds, policy is clear that the application should have been approved and not delayed pending the verification.

**IX. DECISION:**

It is the decision of the State Hearing Officer to **reverse** the Department's action in denying the Claimant's West Virginia School Clothing Allowance application for failure to provide verifications.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision  
Form IG-BR-29

**ENTERED this 15h Day of October, 2007.**

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**Melissa Hastings  
State Hearing Officer**