



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

November 20, 2007

Dear Ms. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 16, 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 submit the application within the prescribed time frames.

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: If the School Clothing Allowance application is received by mail, the date of application is the date the form is received in the local office. As long as the application is made by the last day of July the application is approved, if the family is otherwise eligible. (West Virginia Income Maintenance Manual Section 15, Appendix C, I)

Information submitted at your hearing reveals that your School Clothing Allowance application was not received in the office until August 8, 2007 which was after the July 31, 2007 time limit.

It is the decision of the State Hearing Officer to **uphold** 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
Kristen Freshwater, DHHR

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

_____,

Claimant,

v.

Action Number: 07-BOR-2105

**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 16, 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 16, 2007 on a timely appeal filed August 15, 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
Kristen Freshwater, Economic Service Worker, DHHR

Presiding at the hearing was Melissa Hastings 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 Section Chapter 15-Appendix C

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 School Clothing Allowance application date-stamped August 8, 2007
- D-2 Wage Verification for Claimant date stamped August 8, 2007
- D-3 Notice of Decision dated August 10, 2007
- D-4 West Virginia Income Maintenance Manual Sections Chapter 15-Appendix C

Claimant's Exhibits:

None

VII. FINDINGS OF FACT:

- 1) The Claimant submitted a School Clothing Allowance application which was date-stamped in the ██████████ County DHHR Office on August 8, 2007 (D-1).
- 2) The Claimant's application was processed on August 10, 2007 and a Notice of Decision (D3) was sent which states:

ACTION: Your application for School Clothing Allowance dated 07/31/07 has been denied.

REASON: School Clothing Allowance season has ended.

- 3) Testimony received from the Claimant indicates that she received an application for the WV School Clothing Allowance program through the mail during the first week of July. Claimant states that the only item in the envelope was the application. There were no instructions advising her of the time limit for submitting the application. Her testimony also indicates that her address on the envelope was handwritten and had a

return address with a [REDACTED] address. Claimant stated that she waited until the end of the month to obtain wage verification for the month to turn in with the application. (D2)

- 4) West Virginia Income Maintenance Manual Chapter 15, Appendix C, Item 3 (D4) states that if the DFA-WVSC-1 is received by mail, the date of application is the date the form is received in the local office.
- 5) West Virginia Income Maintenance Manual Section 15, Appendix C, Item 9 (D-4) states that as long as the application is made by the last day of July, the WVSCA is approved, if the family is otherwise eligible.
- 6) West Virginia Income Maintenance Manual Section 15, Appendix C, Item 12 (D-4) states that eligibility is determined for the month of July only.

VIII. CONCLUSIONS OF LAW:

- 1) Policy requires that applications for the WV School Clothing Allowance Program must be submitted within the month of July.
- 2) Policy requires that the date of application for the School Clothing Allowance program is the date the form is received in the local office.
- 3) Evidence is clear that the Claimant's application was date stamped into the office on August 8, 2007 which was past the required dates of application prescribed by policy.

IX. DECISION:

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

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, 2007.

**Melissa Hastings
State Hearing Officer**