



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
1400 Virginia Street  
Oak Hill, WV 25901

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

August 29, 2008

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

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

Attached is a copy of the findings of fact and conclusions of law on your hearing held August 27, 2008. Your hearing request was based on the Department of Health and Human Resources' decision to deny your School Clothing Allowance application due to excessive assets.

In arriving at a decision, the State Hearings 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 is based on current policy and regulations. Some of these regulations state as follows: The asset limit for WV Works coverage groups, including School Clothing Allowance, is \$2000 (West Virginia Income Maintenance Manual §11.3).

The information which was submitted at your hearing revealed that your countable assets exceeded the allowable limit to qualify for School Clothing Allowance.

It is the decision of the State Hearings Officer to **uphold** the decision of the Department to deny your School Clothing Allowance application due to excessive assets.

Sincerely,

Kristi Logan  
State Hearings Officer  
Member, State Board of Review

Cc: Erika Young, Chairman, Board of Review  
Susan Godby, Economic Service Supervisor

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

\_\_\_\_\_,

**Claimant,**

v.

**Action Number: 08-BOR-1856**

**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 27, 2008 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 27, 2008 on a timely appeal, filed July 31, 2008.

**II. PROGRAM PURPOSE:**

The Program entitled 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 Godby, Economic Service Supervisor

Presiding at the Hearing was Kristi Logan, 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's decision to deny Claimant's School Clothing Allowance application was correct.

**V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual § 11.3 and 11.4

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

**Department's Exhibits:**

- D-1 Form IG-BR-29
- D-2 Notification Letter dated July 29, 2008
- D-3 West Virginia Income Maintenance Manual § 11.3 and 11.4
- D-4 Department's Case Summary

**Claimants' Exhibits:**

- C-1 Vehicle Estimate for a 1998 Jeep Cherokee

**VII. FINDINGS OF FACT:**

- 1) Claimant applied for School Clothing Allowance (SCA) on July 16, 2008. A notification letter dated July 29, 2008 was issued and read in part (D-2):

Your application for School Clothing Allowance dated July 16, 2008 has been denied. The amount of assets is more than is allowed for this benefit.

- 2) The Department contends that Claimant had two vehicles, a 1995 Chevy Silverado and a 1998 Jeep Cherokee valued at \$2848. The Chevy Silverado was excluded per policy and the value of the Jeep Cherokee was counted as an asset. It was discovered after application that Claimant also had a 2001 Honda Shadow. The value of the Jeep alone exceeded the asset limit for the SCA program (D-4).
- 3) Claimant testified that they have been trying to sell the Chevy Silverado and the Honda Shadow for some time now with no luck. She placed a value of \$6500 on the Chevy and \$3600 on the Honda. She provided a vehicle estimate for the Jeep completed by Duncan Automotive showing a retail value of \$1800 and a trade in value of \$2500 (C-1).

Claimant stated all three (3) vehicles were given to them and their value has nothing to do with their ability to afford school clothes for their children. Claimant did not agree with the asset policy for SCA.

- 4) West Virginia Income Maintenance Manual § 11.3 states:

Maximum Allowable Assets

WV Works coverage groups (SCA): \$2000 regardless of the number in the Assistance Group

- 5) West Virginia Income Maintenance Manual § 11.4 LL states:

The owner of a vehicle is generally the individual to whom it is titled. However, when the title of a vehicle is not in the client's name, but the client states he is the owner, the vehicle is counted as the client's asset. If the title is in the client's name, and he indicates the vehicle no longer belongs to him, and the name on the title has not been changed, the vehicle is presumed to be his, unless he can prove otherwise. Only those vehicles of members of the AG, individuals who are disqualified or excluded by law and who would otherwise be required to be included, are considered when determining vehicle assets.

The trade-in value is usually used as the Current Market Value (CMV) for AFDC Medicaid, WV WORKS (and SCA) and AFDC-Related Medicaid.

- 6) West Virginia Income Maintenance Manual § 11.4 LL(4) states:

Determining Countable Vehicles for WV Works Coverage Groups (SCA)

STEP 1: Exclusion of One Vehicle

One (1) vehicle is excluded regardless of value. If the client has more than one vehicle, he chooses which vehicle to exclude. The CMV, not equity, of all other vehicles is an asset.

STEP 2: Determining CMV Of All Non-Excluded Vehicles

The listed trade-in value of the vehicle is used, unless one of the following conditions exists:

- The client disagrees with the listed value.

The client is responsible for obtaining one estimate on form DFA-V-1, Vehicle Estimate. The Department assumes any expense incurred in obtaining this estimate, using form DF-67. If the Department has no objection to the client's estimate, it is accepted as the CMV. The listed value is not used once an estimate of the value has been obtained.

If the Department determines that the estimate obtained by the client is unreasonable, a second estimate is obtained by the Worker from a qualified appraiser of the Department's choice. Form DF-67 is used to pay for the second estimate. This estimate and the client's estimate are averaged to arrive at the CMV.

- The vehicle is not listed.

In this situation, the client's statement of the value of the vehicle(s) is accepted unless it appears incorrect. If the client's statement appears incorrect, the Worker requires that the client obtain one estimate. Form DFA-V-1 is used, and payment, when required, is made by the Department, using a DF-67. If the vehicle is listed as junk with the Department of Motor Vehicles, as indicated on the title of the vehicle, a sale value of \$25 is assigned to it, and that amount used as the value.

**STEP 3: Determining Asset Value of All Non-Excluded Vehicles**  
The CMV as determined in Step 2 above, of all non-excluded vehicles is counted in its entirety, regardless of the client's equity.

**VIII. CONCLUSIONS OF LAW:**

- 1) Claimant had three (3) vehicles when she applied for SCA in July 2008. Claimant gave a reasonable estimate of \$6500 for the 1995 Chevy Silverado and \$3600 for the Honda Shadow. Claimant obtained an estimate for the 1998 Jeep Cherokee showing a trade-in value of \$2500.
- 2) Per policy, one vehicle is excluded in determining countable assets. Claimant's total countable vehicle assets, after the exclusion of the Chevy, are \$6100 (\$3600 plus \$2500). The asset level for SCA is \$2000. Claimant's total countable assets exceed the limit to qualify for SCA.

**IX. DECISION:**

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to deny Claimant's 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 29<sup>th</sup> Day of August, 2008.**

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**Kristi Logan**  
**State Hearing Officer**