



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
P.O. Box 1736
Romney, WV 26753

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

October 14, 2008

Dear _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held September 24, 2008. Your hearing request was based on the Department of Health and Human Resources' denial of West Virginia School Clothing Allowance vouchers due to excessive income.

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 gross non-excluded income is equal to or greater than 100% Federal Poverty Level (FPL), the family is ineligible for WVSCA.

Information submitted at the hearing revealed that your countable income exceeded 100% of the FPL.

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

Sincerely,

Sharon K. Yoho
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Ann Hubbard, Economic Supervisor, DHHR

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

_____,

Claimant,

v.

Action Number: 08-BOR-1920

**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 14, 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 September 24, 2008 on a timely appeal filed July 28, 2008.

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
Ann Hubbard, Income Maintenance Supervisor, DHHR

Presiding at the hearing was, Sharon K. Yoho 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 took the correct action in denying eligibility for the Claimant's School Clothing Allowance vouchers.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Chapter 9.21, 15, Appendix C, I, & Income Chart

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Individual Demographics computer screen
- D-2 SS Income Screen for Claimant
- D-3 SSI Income Screen for Claimant
- D-4 SS Income Screen for Daughter
- D-5 Child Support Income Screen
- D-6 Child Support Financial Summary for July
- D-7 Child Support Financial Summary for June
- D-8 Notification of denial dated July 15, 2008
- D-9 WV Income Maintenance Policy Chapter Income Source Chart
- D-10 Income Chart showing Federal Poverty Levels
- D-11 WV Income Maintenance Policy Chapter 15 Appendix C
- D-12 WV Income Maintenance Policy Chapter 9
- D-13 WV Income Maintenance Policy Chapter 10

VII. FINDINGS OF FACT:

- 1) The Claimant's household consists of the Claimant and one daughter. The Claimant applied for a West Virginia School Clothing Allowance (SCA) in July 2008. This application was processed on July 14, 2008. The Department determined that the countable household income exceeded the allowable income for the program.
- 2) The Department issued a denial letter on July 15, 2008 advising that the income was too much to receive the benefits. The Claimant requested a hearing on July 28, 2008.
- 3) The Claimant receives Social Security of \$611.00 and \$196.00 Child Support that was counted for the program. Her Daughter receives Social Security of \$102.00 which was counted for SCA program. The Claimant's \$46.00 SSI income was not counted and she

was not included in the benefit group due to her being an SSI recipient. The total countable income for the program was \$909. The caseworker applied this amount to 100% of the Federal Poverty Level or \$867.00 for a benefit group of one and found it to exceed that level.

- 4) West Virginia Income Maintenance Chapter 15, Appendix C, I states:

The total gross non-excluded income for the AG is compared to 100% FPL. See Chapter 10, Appendix A. Income sources are treated according to the WV WORKS police in Section 10.3. If the gross non-excluded income is equal to or greater than 100% FPL, the family is ineligible for WVSCA.

- 5) West Virginia Income Maintenance Chapter 10 Appendix A. states:
AG Sz. 1 WV SCA 100% FPL (867)

- 6) West Virginia Income Maintenance Chapter 9.21:
3. Who Cannot Be Included:
An individual, age 18 or over, who is eligible for SSI benefits as determined by SSA.

- 7) West Virginia Income Maintenance Chapter 10.3
Source of Income WV Works
SSI No

VIII. CONCLUSIONS OF LAW:

- 1) Evidence and testimony clearly support that all of the Claimant's household income with the exception of her SSI is countable for the SCA program. It further supports that since the Claimant is an SSI recipient, that she cannot be included in the benefit group when applying it to the FPL .
- 2) The Department correctly computed the countable income of \$909. and applied it correctly to 100% of the FPL for a one-person benefit group, which was \$867. The countable income did exceed the FPL and therefore rendered the benefit group ineligible for SCA benefits.

IX. DECISION:

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

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 14th Day of October 2008.

**Sharon K. Yoho
State Hearing Officer**