



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

Patsy A. Hardy, FACHE, MSN, MBA
Cabinet Secretary

November 10, 2009

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 30, 2009. Your hearing request was based on the Department of Health and Human Resources' decision to deny your application for School Clothing Allowance.

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 program is based on current policy and regulations. These regulations provide that verification of assets is required for the SCA program (WV Income Maintenance Manual § 4.2 A).

The information submitted at your hearing revealed that you did not verify the balance of your daughter's savings account and failed to reapply prior to the closure of the SCA program.

It is the decision of the State Hearings Officer to **Uphold** the action of the Department to deny your application for School Clothing Allowance.

Sincerely,

Kristi Logan
State Hearings Officer
Member, State Board of Review

cc: Chairman, Board of Review
-----, Family Support Specialist

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

-----,

Claimant,

v.

Action Number: 09-BOR-1937

**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 30, 2009 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 30, 2009 on a timely appeal, filed September 23, 2009.

II. PROGRAM PURPOSE:

The Program entitled School Clothing Allowance (SCA) is administered by the West Virginia Department of Health & Human Resources.

The WV WORKS 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

-----, Family Support Specialist

Presiding at the Hearing was Kristi Logan , State Hearing Officer and a member of the Board of Review.

This hearing was held by videoconference.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether or not the Department correctly denied Claimants' application for the SCA program.

V. APPLICABLE POLICY:

WV Income Maintenance Manual Chapter 15 Appendix B, § 4.2 A and 11.4 C

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Hearing/Grievance Record Information
- D-2 Hearing Request received September 17, 2009
- D-3 Notification Letter dated September 2, 2009
- D-4 Notification Letter dated June 27, 2009
- D-5 WV Income Maintenance Manual § 4.2 A

Claimants' Exhibits:

None

VII. FINDINGS OF FACT:

- 1) Claimant was automatically evaluated for SCA in June 2009 as she was an active recipient of Supplemental Nutrition Assistance Program (SNAP) benefits. The Department issued a denial notification letter dated June 27, 2009 which read in pertinent parts (D-4):

Our records indicate you requested that your case be evaluated for participation in the School Clothing Allowance program that is administered for the month of July 2009. We have determined that you are not eligible for this program.

You did not turn in all requested information. The following information was not verified:

Savings account - Proof of the value of this asset.

- 2) The Department contends the RAPIDS computer system held a "NV" for not verified for Claimant's daughter's savings account from a previous application for assistance. As the amount of this asset had never been verified, Claimant was denied SCA when

the RAPIDS computer system automatically evaluated cases for SCA eligibility in June 2009.

- 3) Claimant gave testimony that she was not sure if she ever received the SCA denial letter issued in June 2009. She did not know if she reapplied for SCA at the local office after she was denied in June 2009. She would have verified the savings account if she knew that was what was needed.

Claimant applied for WV WORKS in September 2009 and was notified in her approval letter that she was eligible for SCA but would have to apply for the benefit. The SCA program had already ended by that time and was she unable to make a new application.

- 4) WV Income Maintenance Manual § 4.1 A states:

The primary responsibility for providing verification rests with the client. Failure of the client to provide necessary information or to sign authorizations for release of information, results in denial of the application or closure of the active case, provided the client has access to such information and is physically and mentally able to provide it.

- 5) WV Income Maintenance Manual § 4.2 A states:

Verification Requirements (Assets)

Bank Accounts, CDs and other Liquid Assets: All programs and coverage groups subject an asset test.

- 6) WV Income Maintenance Manual Chapter 15 Appendix C § A states:

Active SNAP AGs [Assistance Groups] who have indicated “Yes” to the question “Does your household choose to be evaluated for automatic issuance of SCA should you be determined eligible?” on RAPIDS screen ASEQ by 6/26/09 will not be mailed WVSCA application forms unless there is a child in the case who is less than 5 or older than 15.

- 7) WV Income Maintenance Manual Chapter 15 Appendix C § J states:

The asset limit [for SCA] is \$2000.

VIII. CONCLUSIONS OF LAW:

- 1) Claimant was an active SNAP recipient in June 2009 which allowed her to be automatically evaluated for SCA. There is no asset limit for SNAP and Claimant had never verified her daughter’s savings account.
- 2) Claimant was unsure if she received the SCA denial letter or if she reapplied in July 2009 when the program opened. The ultimate responsibility in providing required

verifications rest with the applicant. Claimant failed to verify her daughter's savings account as required by policy and did not reapply prior to the program's closing.

3) The Department correctly denied Claimant eligibility for the SCA program.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to deny Claimant's SCA application.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 10th day of November 2009.

**Kristi Logan
State Hearing Officer**