



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Joe Manchin III
Governor

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

November 4, 2009

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 29, 2009. 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 requested verification.

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 that the due date of additional information for the School Clothing Allowance Program is 30 days from the date of application. Eligibility is determined for the month of July only and the applicant must return requested information within the specified time limit. (West Virginia Income Maintenance Manual Chapter 15, Appendix C)

Information submitted at your hearing fails to demonstrate that the Department received verification of your savings account balance by the designated time limit.

It is the decision of the State Hearing Officer to **uphold** the action of the Department in denying your School Clothing Allowance application.

Sincerely,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Lois Francis, Economic Services Supervisor, DHHR

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

-----,

Claimant,

v.

Action Number: 09-BOR-2014

**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 November 4, 2009. 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 29, 2009 on a timely appeal filed October 5, 2009.

II. PROGRAM PURPOSE:

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.

II. PARTICIPANTS:

-----, Claimant

-----, Claimant's witness

Nancy Wooddell, Economic Service Worker, DHHR

Presiding at the hearing was Pamela L. Hinzman, State Hearing Officer and a member of the State Board of Review.

IV. QUESTION TO BE DECIDED:

The question 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 Chapter 4.1, A, and Chapter 15, Appendix C, Items A, 9, A, 13 and J

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Hearing information
- D-2 Verification checklist issued on July 28, 2009
- D-3 Notice of Decision dated August 18, 2009
- D-4 West Virginia Income Maintenance Manual Chapter 15, Appendix C
- D-5 Computerized case comments

VII. FINDINGS OF FACT:

- 1) The Claimant submitted a West Virginia School Clothing Allowance (SCA) application on July 20, 2009. On July 28, 2009, the Department sent the Claimant a verification checklist (D-2), requesting a copy of his most recent checking and savings account statements, as well information concerning his U.S. Savings Bonds. The Economic Service Worker testified that the Department received verification of the Claimant's checking account balance, but received no information concerning the savings accounts or bonds. This information is documented in written case comments (D-5).

- 2) The Department sent the Claimant a Notice of Decision (D-3) on August 18, 2009 which states, in pertinent part:

ACTION: Your application for School Clothing Allowance dated 07/20/09 has been denied.

REASON: You did not turn in all requested information.

- 3) The Claimant filed a hearing request on October 5, 2009 and the Economic Service Worker conducted a pre-hearing conference with him on the same date. At that time, the Claimant and his wife indicated that they had provided all requested verification, with the exception of the savings bonds. The worker discovered that copies of the savings bonds had previously been made and were located in the Claimant's case record, but found no recent copy of savings account information in the file. The Claimant verified savings account information during the pre-hearing conference.

- 4) ----, the Claimant's wife, testified that she provided copies of both the savings and checking account information to the Department at the beginning of August. The Claimant indicated he has less than \$20 in the savings account and that he has always been forthright with DHHR.
- 5) West Virginia Income Maintenance Manual Chapter 15, Appendix C, items A, 9 and A, 13 (D-4) state that the due date of additional information for the School Clothing Allowance Program is 30 days from the date of application. Eligibility is determined for the month of July only and the applicant must return requested information within the specified time limit.
- 6) West Virginia Income Maintenance Manual Chapter 15, Appendix C, J, states that the asset limit for the SCA Program is \$2,000. If countable assets exceed \$2,000, the case is ineligible.
- 7) West Virginia Income Maintenance Manual Chapter 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.

VIII. CONCLUSIONS OF LAW:

- 1) Policy specifies that the due date of additional information for the West Virginia School Clothing Allowance Program is 30 days from the date of application. Eligibility is determined for the month of July only and the applicant must return requested information within the specified time limit.
- 2) The Claimant applied for School Clothing Allowance benefits on July 20, 2009 and there is no evidence to demonstrate that the Department received verification of his savings account balance prior to October 5, 2009.
- 3) The Department acted in accordance with policy in denying the Claimant's School Clothing Allowance application.

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 4th Day of November, 2009.

**Pamela L. Hinzman
State Hearing Officer**