



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

**Earl Ray Tomblin
Governor**

**Rocco S. Fucillo
Cabinet Secretary**

October 3, 2012

Dear Mr. ----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held September 25, 2012. Your hearing request was based on the Department of Health and Human Resources' failure to approve West Virginia School Clothing Allowance (WVSCA) benefits.

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 (WVSCA) Program is based on current policy and regulations. Some of these regulations state that if a WVSCA application is made by the last day of July and the applicant returns the requested information in the time frame specified by the worker, the WVSCA is approved, if the family is otherwise eligible. (West Virginia Income Maintenance Manual Chapter 15, Appendix C)

Information provided at your hearing reveals that the Department received no School Clothing Allowance application from you prior to the program end date.

It is the decision of the State Hearing Officer that you did not apply for WVSCA benefits and there is insufficient evidence to demonstrate that the Department failed to provide you with an opportunity to apply.

Sincerely,

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

Cc: Erika H. Young, Chairman, Board of Review
Tera Pendleton, ESW, WVDHHR

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

IN RE: ----,

Claimant,

v.

ACTION NO.: 12-BOR-1981

**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 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 telephonically on September 25, 2012, on a timely appeal filed August 8, 2012.

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 percent of the Federal Poverty Level.

II. PARTICIPANTS:

----, Claimant
Tera Pendleton, Economic Service Worker, WVDHHR

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 or not the Department received a timely application for West Virginia School Clothing Allowance (WVSCA) benefits and/or denied the Claimant the right to apply.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Chapter 15, Appendix C

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

None

Claimant's Exhibits:

None

VII. FINDINGS OF FACT:

- 1) The Claimant testified that he applied for Supplemental Nutrition Assistance Program (SNAP) benefits on or about June 27, 2012. At that time, he indicated that a worker informed him he would also be evaluated for West Virginia School Clothing Allowance (WVSCA) benefits for his 11-year-old child. The Claimant indicated that his SNAP application was pending for additional information and he provided the requested pay stubs to the WVDHHR office on July 6, 2012. The Claimant stated that he telephoned the Department more than once about the status of his application and was informed that the Department had 30 days to process the application. The Claimant testified that he received a letter at the end of July 2012, informing him that the Department had not received his pay stubs, and he contended that the documentation must have been lost or misplaced by the Department. He subsequently turned in the pay stubs and was later approved for SNAP benefits.
- 2) The Claimant filed a written appeal with the Department on August 8, 2012, contending that he was told by a worker that he was being evaluated for WVSCA benefits during his SNAP application on June 27, 2012. The Claimant stated he was not mailed any information to indicate that he would need to apply for WVSCA benefits in an alternative manner by the filing deadline. He contended that if he had known he needed to apply, he could have applied for WVSCA benefits via the internet.
- 3) Tera Pendleton, Economic Service Worker with WVDHHR, testified that there is no evidence that the Claimant applied for WVSCA benefits, therefore, the Department had no exhibits to present and no adverse action was taken.

- 4) West Virginia Income Maintenance Manual Chapter 15, Appendix C, states as follows:

An Application for West Virginia School Clothing Allowance, form DFA-WVSC-1, will be mailed to families with school-age children who received WVSCA in the previous program year and who are included in an active SNAP or Medicaid AG in June of the current program year. Active SNAP AGs who have indicated “Yes” to the question “Does your household choose to be evaluated for automatic issuance of SCA should you be determined eligible?” by deadline for the current program year will not be mailed WVSCA application forms and will be included in the automatic issuance unless there is a child in the case who is less than 5 or older than 15. If there is a child of this age in the case, they will be skipped in the automatic issuance and sent a DFA-WVSC-1 during the regular mass mailing. SNAP AGs confirmed on or after the automatic issuance question deadline for the current program year must complete a DFA-WVSC-1, DFA-2, or use inROADS to apply for WVSCA.

- 5) West Virginia Income Maintenance Manual Chapter 15, Appendix C states that as long as the WVSCA application is made by the last day of July and the applicant returns the requested information in the time frame specified by the worker, the WVSCA is approved, if the family is otherwise eligible.

VIII. CONCLUSIONS OF LAW:

- 1) Policy provides that an application for West Virginia School Clothing Allowance, form DFA-WVSC-1, will be mailed to families with school-age children who received WVSCA in the previous program year and who are included in an active SNAP or Medicaid AG in June of the current program year. Active SNAP AGs who have indicated that they want to be evaluated for automatic issuance of SCA should be determined eligible by deadline for the current program year, will not be mailed WVSCA application forms, and will be included in the automatic issuance unless there is a child in the case who is less than age 5 or older than age 15. If there is a child of this age in the case, they will be skipped in the automatic issuance and sent a DFA-WVSC-1 during the regular mass mailing. SNAP AGs confirmed on or after the automatic issuance question deadline for the current program year must complete a DFA-WVSC-1, DFA-2, or use inROADS to apply for WVSCA. As long as the WVSCA application is made by the last day of July and the applicant returns the requested information in the time frame specified by the worker, the WVSCA is approved, if the family is otherwise eligible.
- 2) The Claimant testified that he was told by a Department worker that he would be evaluated for the WVSCA Program when he applied for SNAP benefits on June 27, 2012. However, there is no evidence to confirm that a WVSCA application was made at that time, and the Department contended no WVSCA application was received from the Claimant.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the Department's action in not providing the Claimant with West Virginia School Clothing Allowance benefits.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this ____ Day of October 2012.

**Pamela L. Hinzman
State Hearing Officer**