



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

Earl Ray Tomblin  
Governor

Rocco S. Fucillo  
Cabinet Secretary

October 18, 2012

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Dear Ms. ----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held October 11, 2012. Your hearing request was based on the Department of Health and Human Resources' denial of your application for School Clothing Allowance (SCA).

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 SCA program is based on current policy and regulations. These regulations state that applications submitted through inROADS must be accompanied by an electronic signature or a signed signature page must be submitted to the local office by July 31 or within ten (10) days of the date of application, whichever is later (WV Income Maintenance Manual Chapter 15 Appendix C).

The information submitted at your hearing revealed that you failed to submit a signature page for the SCA application and therefore the application was incomplete.

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

Sincerely,

Kristi Logan  
State Hearing Officer  
Member, State Board of Review

cc: Chairman, Board of Review  
Fred Burns, Economic Service Supervisor

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

**IN RE:** ----,

**Claimant,**

**v.**

**ACTION NO.: 12-BOR-2042**

**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 held on October 11, 2012. This hearing was held in accordance with the provisions found in the West Virginia Department of Health and Human Resources Common Chapters Manual, Chapter 700. This fair hearing was convened on a timely appeal, filed August 21, 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% of the Federal Poverty Level.

**III. PARTICIPANTS:**

----, Claimant

----, Witness for Claimant

Fred Burns, Economic Service Supervisor

Stefanie Cyrus, Economic Service Supervisor

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

**IV. QUESTION TO BE DECIDED:**

The question to be decided is whether or not the Department's denial of Claimant's School Clothing Allowance application was correct.

**V. APPLICABLE POLICY:**

WV Income Maintenance Manual Chapter 15 Appendix C § A

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

**Department's Exhibits:**

- D-1 Notification Letter dated August 17, 2012
- D-2 WV Income Maintenance Manual Chapter 15 Appendix C

**VII. FINDINGS OF FACT:**

- 1) Claimant submitted an application for SCA via inROADS computer system on July 27, 2012. The application was unsigned and the Department mailed Claimant the signature page on July 30, 2012, to sign and return within ten (10) days.
- 2) Claimant failed to return the signature page and the Department issued a denial letter (D-1) on August 17, 2012, for failure to complete the SCA application process.
- 3) Claimant testified she applied for SCA on July 27, 2012, using a computer at the library. Claimant stated the computer kept "timing out" and the librarian was unable to correct the problem. Claimant stated she returned on July 31, 2012, and that time the application was accepted. Claimant stated she did not receive the signature page from the Department, or she would have signed and returned it.

Claimant stated at the time of the SCA application, her case was in the [REDACTED] County DHHR's caseload. Claimant testified she repeatedly called the [REDACTED] County DHHR office to request the signature page be sent to her, as she had done so in past years. Claimant stated she did not print the signature page when she made the application at the library, as the library charges for copies. When Claimant had failed to receive notification of the status of her SCA application, Claimant called her [REDACTED] County caseworker on August 16, 2012, who advised that Claimant's case had been transferred to [REDACTED] County. Claimant stated she then contacted the [REDACTED] County office and was told it was too late to submit the signature page at that time.

- 4) Fred Burns, Economic Service Supervisor, stated the inROADS computer system only documented Claimant's July 27 application. Mr. Burns pointed out that Claimant could

have e-signed the SCA application when she applied, instead of waiting for a signature page to be mailed to her.

- 5) WV Income Maintenance Manual Chapter 15 Appendix C § A(1)a states:

inROADS Application Submitted Without an Electronic Signature

When the inROADS application is submitted online, a eRAPIDS Request For Assistance (RFA) date is established. The inROADS RFA must be selected and the client registration process completed, leaving the filing date blank. This establishes the eRAPIDS RFA date. The applicant has until July 31st, or 10 days from the RFA date, whichever is later, to submit a signed signature page. eRAPIDS tracks this period. If the signature page is not received in the local office within the required time limit, RAPIDS automatically withdraws the application. No further action is required by the Worker to process the inROADS application.

- 6) WV Income Maintenance Manual Chapter 15 Appendix C § A(3)b-c states:

Complete Application

inROADS Applications With Signature Page

For WVSCA applications submitted through inROADS without an electronic signature, the applicant must return the signed signature page to the local office by July 31st of the current program year or within 10 days of the date the application was submitted on inROADS whichever is later. An application is considered incomplete when the client does not return the completed inROADS signature page.

inROADS Applications With Electronic Signature

When the inROADS application is submitted with an electronic signature, the application is complete.

## VIII. CONCLUSIONS OF LAW:

- 1) Policy stipulates that School Clothing Allowance applications submitted by internet via the inROADS system, the applicant must sign the application electronically (e-sign) or submit a signed signature page by July 31 or within ten (10) days of the date of the application.
- 2) Claimant failed to e-sign the SCA application or submit a paper signature page by the time frames indicated in policy. The ultimate responsibility in supplying the Department with the documentation necessary to determine eligibility lies with Claimant. Claimant

had the opportunity to print the signature page or electronically sign when she made the application for School Clothing Allowance. Claimant failed to do either and therefore did not submit a completed application for School Clothing Allowance.

- 3) The Department correctly denied Claimant's application for School Clothing Allowance.

**IX. DECISION:**

It is the decision of the State Hearing Officer to **uphold** the Department's denial of Claimant's application for School Clothing Allowance.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 18<sup>th</sup> day of October 2012**

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**Kristi Logan  
State Hearing Officer**