



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 24, 2012

Dear Ms. ----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held October 23, 2012. Your hearing request was based on the Department of Health and Human Resources' denial of your School Clothing Allowance application.

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 School Clothing Allowance program is based on current policy and regulations. These regulations state that applications for School Clothing Allowance are accepted during the month of July of the current program year (WV Income Maintenance Manual Chapter 15 Appendix C).

The information submitted at your hearing revealed that your application was submitted after the deadline of July 31, 2012.

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
Dorothy Ellison-Hunter, Family Support Supervisor

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

IN RE: ----,

Claimant,

v.

ACTION NO.: 12-BOR-2074

**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 23, 2012, by telephone conference. 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 23, 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
Dorothy Ellison-Hunter, Family Support 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 correctly denied Claimant's School Clothing Allowance application.

V. APPLICABLE POLICY:

WV Income Maintenance Manual Chapter 15 Appendix C

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Hearing/Grievance Request Notification
- D-2 Hearing Request received August 23, 2012
- D-3 Denial Notification Letter dated August 13, 2012
- D-4 School Clothing Allowance Application dated August 2, 2012
- D-5 Reception Log Printout
- D-6 WV Income Maintenance Manual Chapter 15, Appendix C
- D-7 Department's Summary

VII. FINDINGS OF FACT:

- 1) Claimant submitted an application (D-4) for School Clothing Allowance (SCA) to the local office on August 2, 2012. The Department issued a denial notification letter (D-3) to Claimant on August 13, 2012, which reads in pertinent part:

Your application for School Clothing Allowance dated 08/02/12 has been denied effective 8/13/12. School Clothing Allowance season has ended.

- 2) Dorothy Ellison-Hunter, Family Support Supervisor, testified that Claimant's application was denied as the application was received after the closing of the SCA program on July 31, 2012. Ms. Hunter presented a copy of the reception log (D-5) for the local office. The log shows Claimant's SCA application was dropped off, along with other documents, on August 2, 2012. Ms. Hunter contended Claimant's application was denied according to policy.
- 3) Claimant testified she went through a traumatic experience in July 2012, during which time her life went "haywire". Claimant admitted the application was submitted on August 2, 2012, but needed the SCA vouchers to purchase winter coats and other clothing for her children.

- 4) WV Income Maintenance Manual Chapter 15 Appendix C (B) 4 states:

The date of the application is the date that the DFA-2 or DFA-WVSC-1, which contains at least the applicant's name and address or the inROADS signature page is received in the office, or the date the electronic signature is submitted in inROADS.

If the DFA-WVSC-1 is received by mail, the date of application is the date the form is received in the local office. When the form is received prior to July 1st of the program year, it may be processed in eRAPIDS no sooner than July 1st.

- 5) WV Income Maintenance Manual Chapter 15 Appendix C (B)10 states:

As long as the 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. All applications must be processed by August 31st. inROADS will accept applications from July 1st through July 31st and the signature page must be received in the local office no later than the 10th day of August. Receipt of applications should be logged on a central office log and offices should make every effort to complete the applications in the order received. Because SCA vouchers expire October 31st of the current year, every effort should be made to process all applications in a timely manner within 30 days of the date of application.

VIII. CONCLUSIONS OF LAW:

- 1) Policy stipulates School Clothing Allowance applications are accepted from July 1 through July 31 of the current program year.
- 2) Claimant did not dispute that the School Clothing Allowance application was submitted after the closure of the program. Policy does not allow for any exceptions to the deadline for the acceptance of School Clothing Allowance applications.
- 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 decision of the Department to deny Claimant's 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 24th day of October 2012

Kristi Logan
State Hearing Officer