



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

Michael J. Lewis, M.D., Ph.D.
Cabinet Secretary

February 10, 2012

Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held January 31, 2012. Your hearing request was based on the Department of Health and Human Resources' failure to reissue an expired School Clothing Allowance voucher.

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 is based on current policy and regulations. These regulations provide that School Clothing Allowance vouchers must be redeemed prior to October 31 of the program year (WV Income Maintenance Manual Chapter 15 Appendix C).

The information submitted at your hearing revealed that you do not meet the criteria to receive a replacement School Clothing Allowance voucher.

It is the decision of the State Hearing Officer to **Uphold** the denial of the Department to issue a replacement School Clothing Allowance voucher.

Sincerely,

Kristi Logan
State Hearing Officer
Member, State Board of Review

cc: Chairman, Board of Review
Phyllis Billings, Economic Service Supervisor

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

IN RE: -----,

Claimant,

v.

ACTION NO.: 11-BOR-2486

**WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,**

Respondents.

DECISION OF STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on January 31, 2012 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 a timely appeal, filed November 30, 2011.

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

Marvin Walker, Family Support Supervisor

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 should issue Claimant a replacement School Clothing Allowance voucher.

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 Documentation of Verbal Hearing Request
- D-3 Notification Letter dated August 15, 2011 and Voucher Issuance History Screens from RAPIDS Computer System
- D-4 WV Income Maintenance Manual Chapter 15 Appendix C and Appendix D
- D-5 Department's Summary

Claimants' Exhibits:

- C-1 Medical Records

VII. FINDINGS OF FACT:

- 1) Claimant was approved for School Clothing Allowance (SCA) in August 2011. Claimant was issued two (2) vouchers in the amount of \$200 each for her two (2) children (D-3).
- 2) Claimant redeemed one (1) voucher but the other voucher was not redeemed prior to the expiration date of October 31, 2011. Claimant requested a replacement SCA voucher, however her request was denied.
- 3) Claimant testified she had knee replacement surgery on September 12, 2011. She was in the hospital for one (1) week and then stayed at [REDACTED] Rehabilitation center for a week and a half for physical therapy. Claimant stated she had complications from the surgery and was in extreme pain (C-1).

Claimant stated she was in a wheelchair when she used one of the SCA vouchers and the shopping experience was very difficult and uncomfortable. Claimant stated she

waited until she was feeling better to use the second voucher. Claimant stated she did not notice the SCA vouchers had an expiration date.

4) -----, Claimant's mother, testified she stayed with Claimant during her recovery after surgery. ----- stated Claimant was in pain after the surgery and was weak. ----- stated it was very painful and difficult for Claimant to go shopping.

5) WV Income Maintenance Manual Chapter 15 Appendix C(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.

6) WV Income Maintenance Manual Chapter 15 Appendix C(16) states:

Vouchers must be redeemed by October 31st of the current program year. The payee should take identification with them at the time the vouchers are redeemed.

7) WV Income Maintenance Manual Chapter 15 Appendix C(N)1 states:

Only the following situations result in a replacement WVSCA voucher and must be documented in RAPIDS:

- The voucher was not delivered by the USPS
- A voucher that was incorrectly voided by a vendor may be replaced if the client returns the voided voucher to the local office. The local Financial Clerk's office returns it the BCF Office of Finance and Administration and the Worker requests new vouchers through RAPIDS.
- Vouchers completely destroyed in a disaster, such as a house fire or flood, may be replaced if verification of the emergency is provided.
- When a voucher is torn, water damaged, etc., to the extent that a vendor will not accept it, the voucher may be replaced. The remnants of the voucher must be brought to the local office and returned to BCF.

VIII. CONCLUSIONS OF LAW:

- 1) Policy stipulates School Clothing Allowance vouchers expire October 31 of each year. Replacement vouchers may be issued if the voucher was lost or stolen, damaged or destroyed.
- 2) Claimant had surgery in September 2011 and was unable to redeem one voucher prior to the expiration date due to her recovery. However, policy does not allow for replacement vouchers that were not redeemed prior to the expiration date.
- 3) Claimant is not eligible for a replacement School Clothing Allowance voucher.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the denial of the Department to issue a replacement School Clothing Allowance voucher.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 10th day of February 2012

Kristi Logan
State Hearing Officer