



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

Karen L. Bowling  
Cabinet Secretary

August 27, 2015



RE: [REDACTED] v. WV DHHR  
ACTION NO.: 15-BOR-2700

Dear Ms. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

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.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Kristi Logan  
State Hearing Officer  
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision  
Form IG-BR-29

cc: Travis Hart, [REDACTED] DHHR

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

██████████,

**Appellant,**

v.

**Action Number: 15-BOR-2700**

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

**Respondent.**

**DECISION OF STATE HEARING OFFICER**

**INTRODUCTION**

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing was convened on August 26, 2015, on an appeal filed July 31, 2015.

The matter before the Hearing Officer arises from the July 24, 2015, decision by the Respondent to deny the Appellant's application for School Clothing Allowance (SCA).

At the hearing, the Respondent appeared by Barbara Price, Economic Service Supervisor. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Department's Summary
- D-2 Hearing/Grievance Request Notification
- D-3 SCA Application dated July 21, 2015
- D-4 Case Comments from April 2015-July 2015
- D-5 Income Summary Screen Print
- D-6 Notice of Decision dated July 24, 2015 (SCA)
- D-7 Notice of Decision dated July 24, 2015 (SNAP)
- D-8 West Virginia Income Maintenance Manual Chapter 15 Appendix B
- D-9 West Virginia Income Maintenance Manual §10.4

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the

evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

### **FINDINGS OF FACT**

- 1) The Appellant applied (D-3) for SCA benefits on July 21, 2015, for her three (3) children.
- 2) The Department issued a Notice (D-6) on July 24, 2015, advising the Appellant that the countable income was excessive for SCA benefits.
- 3) The Appellant's husband works for the [REDACTED], [REDACTED] [REDACTED]. He is paid \$1298 semi-monthly. [REDACTED] employees are paid every 5<sup>th</sup> and 20<sup>th</sup> of each month, unless that date falls on a weekend or a holiday.
- 4) Two (2) of the Appellant's children receive Supplemental Security Income (SSI) of \$733 each monthly (D-3).
- 5) The Department calculated the Appellant's countable income (D-6) for SCA as \$2596 monthly. The income limit for a five (5) person Assistance Group (AG) for SCA is \$2368.

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual Chapter 15 Appendix C Section I states that the total gross non-excluded income for the AG is compared to 100% of the Federal Poverty Level (FPL). Income is prorated and converted as appropriate to determine a monthly amount as it is for WV WORKS. If the gross non-excluded income is equal to or greater than 100% FPL, the family is ineligible for SCA. For SCA, income eligibility is based only on the month of July, the program month.

West Virginia Income Maintenance Manual Chapter 10.3GGGG states that SSI is excluded income from the determination of SCA eligibility.

### **DISCUSSION**

The Appellant contended that her household was income eligible for the month of July 2015 as her husband received only one (1) paycheck that month, on July 20 in the amount of \$1298. The [REDACTED] pays its employees three (3) times in June of each year. The third pay is the July 5 pay, issued early to close out the fiscal year. The Appellant's husband was paid on June 5, June 18 and June 30, 2015.

Policy stipulates that income eligibility is based on the program month of July only. Income is not prorated for this program based on this stipulation as it would be for other eligibility programs.

**CONCLUSION OF LAW**

Whereas the Appellant's husband received only one (1) paycheck in July, the countable income for SCA is \$1298, which is below the allowable limit for the program.

**DECISION**

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

**ENTERED this 27<sup>th</sup> day of August 2015**

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**Kristi Logan  
State Hearing Officer**