



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
4190 Washington Street, West
Charleston, West Virginia 25313

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

November 5, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-3270

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,

Donna L. Toler
State Hearing Officer
Member, State Board of Review

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

cc: Christina Brown, Family Support Specialist

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

██████████,

Appellant,

v.

Action Number: 15-BOR-3270

**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 November 5, 2015, on an appeal filed October 15, 2015.

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

At the hearing, the Respondent appeared by Christina Brown, Family Support Specialist. The Appellant appeared by her husband and Assistance Group member, ██████████. All witnesses were sworn and the following documents were entered into evidence.

Department's Exhibits:

- D-1 Correspondence from DHHR ██████████ County to Appellant, dated August 7, 2015
- D-2 Correspondence from DHHR ██████████ County to Appellant, dated August 24, 2015
- D-3 Case Comments computer screen prints, dated March 31, 2015 through October 15, 2015
- D-4 Client Notices Summary computer screen print, dated August 7, 2015 through October 20, 2015
- D-5 Employment income verification, date-stamped received on September 10, 2015

Appellant's Exhibits:

None

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) On July 16, 2015, the Appellant applied for School Clothing Allowance (SCA) benefits. (Exhibit D-3)
- 2) On August 7, 2015, the Department processed the Appellant's application and a verification checklist was mailed to the Appellant requesting verification of the household's employment income received in the month of July. The notice indicated the Appellant was required to return the requested information by August 17, 2015. (Exhibit D-1)
- 3) The Department mailed the Appellant a notice of decision dated August 24, 2015, that the application for SCA was denied for failure to provide the requested income verification. (Exhibit D-2)
- 4) On September 10, 2015, the Appellant provided verification of the household's employment income. (Exhibit D-5)

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WV IMM) §9.21.B, defines the SCA income group, stating that the "non-excluded income of all AG members is counted."

WV IMM §9.21.C, the policy regarding the SCA needs group reads, "Countable income is compared to the income limits for the number in the AG to determine eligibility and the amount of the benefit."

WV IMM Chapter 15, Appendix C, §§A.9 and A.10, require that additional verifications needed to determine eligibility must be obtained within thirty (30) days of the date of application. As long as the application is made by the last day of July and the applicant returns the information in the time frame specified by the worker, the SCA is approved.

WV IMM Chapter 15, Appendix C, §A.13, indicates that when additional information is required, the applicant must return the requested information within the time frame specified on the request for verification.

WV IMM, Chapter 15, Appendix C, §I, indicates that eligibility for SCA is based on income received in the month of July, the program month. Income does not have to be verified in cases where it was verified in the two months prior to application.

DISCUSSION

The Appellant is appealing the Department's decision to deny SCA benefits based on failure to verify the household's income received in the month of July 2015. The Appellant did not deny that the verifications were not provided to the Department by the due date, but that it was his understanding that he had sixty (60) days to provide verification of his income, similar to other programs of assistance with the Department.

CONCLUSION OF LAW

The Department was correct in its decision to deny the Appellant's application for SCA. Policy requires verification of household income in order to determine eligibility for SCA. Verification must be received by the due date indicated on the verification checklist, and that the due date must be within thirty (30) days of the application date. The Appellant applied for SCA on July 16, 2015, but failed to return the requested verifications by the due date of August 16, 2015.

DECISION

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

ENTERED this ____ Day of November 2015.

Donna L. Toler
State Hearing Officer