



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

September 13, 2016

[REDACTED]
[REDACTED]
[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 16-BOR-2403

Dear [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: Jennifer Reno, Raleigh County DHHR

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

████████████████████,

Appellant,

v.

Action Number: 16-BOR-2403

**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 September 8, 2016, on an appeal filed July 18, 2016.

The matter before the Hearing Officer arises from the July 13, 2016 decision by the Respondent to deny the Appellant's application for School Clothing Allowance benefits.

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

Department's Exhibits:

D-1 Hearing Summary

D-2 Case Comments from June 2016-August 2016

Appellant's Exhibits:

A-1 Birth Certificate for ██████████

A-2 Order of Appointment of Guardian of Minor Child from the Circuit Court of ██████████
County, West Virginia

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 for School Clothing Allowance (SCA) benefits for [REDACTED], a minor child over whom she has guardianship.
- 2) The Department notified the Appellant that her SCA application was denied as she did not have a qualifying relationship to [REDACTED].
- 3) The Appellant contested the Department's denial because she has guardianship of [REDACTED] and receives other benefits through the Department on her behalf.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §15.2 B states that to qualify for WV WORKS or SCA benefits, the child must be living with a specified caretaker relative, who assumes primary responsibility for the child's care, in a place established as the relative's home. A specified caretaker relative is defined below.

- Natural or adoptive parents. Adoption procedures must be finalized in order for an adoptive parent to qualify as a specified relative. If a child is living with his natural father and paternity has been legally established, the father is considered a specified relative;

- Blood relative: Those of half-blood, brothers or sisters, grandparents, great-grandparents, great-great grandparents, great-great-great grandparents, uncles or aunts, great-uncles or aunts, great-great uncles or aunts, nephews or nieces, first cousins, first cousins once removed;

- Legal step-parent, step-brother or step-sister, step-grandparents, step-great-grandparents, step-great-great grandparents, step-great-great-great grandparents, step-uncles or aunts, step-great-uncles or aunts, step-great-great uncles or aunts, step-nephews or nieces, step-first cousins, step-first cousins once removed.

Spouses of step-parents are not specified relatives. Legal custody or guardianship of a child does not, in itself, qualify a person as a specified relative. A relative of the father of a child born out-of-wedlock can qualify as a specified relative only if the child's paternity has been established.

DISCUSSION

Policy requires that to receive SCA benefits for a child, the applicant must meet the definition of a specified relative.

The mother of [REDACTED] is [REDACTED]. [REDACTED] has a half-brother, [REDACTED], with whom they share the same mother. The Appellant is a half-sister of [REDACTED], with whom they share the same father.

There is no blood or legal relation between the Appellant and [REDACTED], therefore a specified relationship as defined in policy could not be established.

CONCLUSIONS OF LAW

- 1) In order to receive School Clothing Allowance benefits, the applicant must be a specified relative to the child for whom they are applying.
- 2) The evidence failed to demonstrate that the Appellant was a specified relative to [REDACTED].
- 3) The Department correctly denied the Appellant's application for School Clothing Allowance benefits.

DECISION

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

ENTERED this 13th day of September 2016

Kristi Logan
State Hearing Officer