



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW  
203 East Third Avenue  
Williamson, WV 25661

Earl Ray Tomblin  
Governor

Karen L. Bowling  
Cabinet Secretary

September 28, 2016

[REDACTED]  
[REDACTED]  
[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 16-BOR-2466

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,

Stephen M. Baisden  
State Hearing Officer  
Member, State Board of Review

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

cc: Cathy Estep, Family Support Supervisor

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

██████████  
**Appellant,**

v.

**Action Number: 16-BOR-2466**

**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' (WV DHHR) Common Chapters Manual. This fair hearing was convened on September 21, 2016, on an appeal filed August 8, 2016.

The matter before the Hearing Officer arises from the August 3, 2016 decision by the Respondent to deny the Appellant's application for the 2016 School Clothing Allowance (SCA) program.

At the hearing, the Respondent appeared by Cathy Estep, Family Support Supervisor. The Appellant appeared *pro se*. The participants were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Application for West Virginia School Clothing Allowance (SCA), signed and dated by Appellant on July 28, 2016
- D-2 WV DHHR inROADS information screen regarding the SCA program.
- D-3 WV DHHR Income Maintenance Manual (WV IMM), Chapter 15, Appendix C

**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) The Appellant completed an application for the WV School Clothing Allowance (SCA) program (Exhibit D-1) on July 28, 2016.
- 2) The WV DHHR, ██████████ County office, date-stamped the application (Exhibit D-1) as received on August 1, 2016.
- 3) The Department denied the Appellant's SCA application on August 3, 2016, because the program application period ended on July 31, 2016.

### **APPLICABLE POLICY**

WV Income Maintenance Manual Chapter 15, Appendix C, Section 4 reads as follows:

The date of the application [for the School Clothing Allowance program] is the date that the DFA-2 or DFA-WVSC-1, which contains at least the applicant's name and address 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.

### **DISCUSSION**

The Appellant mailed her application for the School Clothing Allowance (SCA) program (Exhibit D-1) to the Department on July 28, 2016. The Department did not receive it until August 1, 2016. Policy at IMM Chapter 15, Appendix C, Section 4, states that the date of application for the SCA program is the date the application form is received at the DHHR office.

The DHHR's inROADS on-line benefit application web site (Exhibit D-2) states that applications received after July 31, 2016, "must be denied."

The Department correctly denied the Appellant's July 28, 2016 SCA application.

### **CONCLUSION OF LAW**

The Department acted correctly to deny the Applicant's July 28, 2016 application for the School Clothing Allowance program, pursuant to IMM Chapter 15, Appendix C.

**DECISION**

It is the decision of the State Hearing Officer to **uphold** the Department's decision to deny the Applicant's July 28, 2016 application for the School Clothing Allowance program.

**ENTERED this 28<sup>th</sup> Day of September 2016.**

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**Stephen M. Baisden**  
**State Hearing Officer**