



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW  
P.O. Box 1247  
Martinsburg, WV 25402

Earl Ray Tomblin  
Governor

Karen L. Bowling  
Cabinet Secretary

September 7, 2016

[REDACTED]  
[REDACTED]  
[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 16-BOR-2498

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,

Lori Woodward  
State Hearing Officer  
Member, State Board of Review

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

cc: Rachel Hartman, WV DHHR

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

██████████,

**Appellant,**

v.

**Action Number: 16-BOR-2498**

**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 1, 2016, on an appeal filed August 11, 2016.

The matter before the Hearing Officer arises from the August 8, 2016 decision by the Respondent to deny the Appellant's WV School Clothing Allowance (SCA) program application.

At the hearing, the Respondent appeared by Rachel Hartman, Economic Services Supervisor. The Appellant appeared *pro se* and testified on her own behalf. The witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Application for West Virginia School Clothing Allowance, dated July 20, 2016
- D-2 Request for additional information, dated July 25, 2016
- D-3 Notice of denial, dated August 8, 2016
- D-4 Hearing Summary

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 the WV School Clothing Allowance (SCA) program on July 20, 2016. (Exhibit D-1)
- 2) On July 25, 2016, the Department sent notice to the Appellant's verified mailing address requesting income verification which was due by August 4, 2016. (Exhibit D-2)
- 3) The Appellant's income was previously verified in April 2016.
- 4) The Appellant did not return the requested information by August 4, 2016.
- 5) The Department sent notice of denial of the SCA application to the Appellant on August 8, 2016. (Exhibit D-3)

## **APPLICABLE POLICY**

WV Income Maintenance Manual (IMM), Chapter 15, Appendix C, Section D, VERIFICATION, states that all appropriate WV WORKS verification requirements in Chapter 4 apply.

IMM, Chapter 15, Appendix C, Section I, INCOME, explains when income has been previously verified within the last two months, additional income verification is not required. If appropriate, income must be updated in RAPIDS.

IMM Chapter 4, §4.2.B.1, instructs all income used in calculating eligibility must be verified for all programs prior to approval.

IMM Chapter 4, §4.1.A., CLIENT RESPONSIBILITY, specifically states that the primary responsibility for providing verification rests with the client. Failure of the client to provide necessary information or to sign authorizations for release of information results in denial of the application or closure of the active case provided the client has access to such information and is physically and mentally able to provide it.

## **DISCUSSION**

The Appellant applied for WV School Clothing Allowance (SCA) program benefits on July 20, 2016. The application was processed on July 25, 2016. As it had been over 60 days since the Appellant's income had been verified, the worker sent a request for verification of income on July 25, 2016 which was due by August 4, 2016. On August 8, 2016, the Department sent a notification of denial of the SCA application for failure to return the requested verification.

The Appellant asserts that she did not receive the request for verification in the mail. She maintained that in the past she automatically was approved for the SCA benefits. However, when she started noticing on social media that others were receiving the SCA benefits by the middle of July, she decided to go to her local DHHR and make an application for the SCA

program. Because she had been automatically approved in prior years for this benefit without having to provide any additional verification, she stated she did not know to provide any income verifications. However, the SCA application clearly instructs the applicant to “attach proof of income such as paystubs, statement of earnings, award letters, tax returns, etc.” (See Exhibit D-1) The Appellant’s assertion that she did not know she had to verify income because she did not have to do so in the past, does not excuse the Appellant’s inaction.

The Appellant verified that the address the Department had on file was correct. It is noted that she did receive other correspondence sent to her at that address such as the denial letter, scheduling order, and copy of exhibits used for today’s hearing. The evidence showed that the Department correctly denied the Appellant’s SCA application.

### **CONCLUSION OF LAW**

As the Appellant did not return the requested income verification by the due date, eligibility for the SCA program must be denied.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Department’s decision to deny the Appellant’s WV School Clothing Allowance program application.

**ENTERED this 7<sup>th</sup> day of September 2016.**

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**Lori Woodward, State Hearing Officer**