



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL

Jim Justice
Governor

BOARD OF REVIEW
1400 Virginia Street
Oak Hill, WV 25901

Bill J. Crouch
Cabinet Secretary

August 10, 2017

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-2090

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: Kimberly King, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 17-BOR-2090

**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 8, 2017, on an appeal filed July 10, 2017.

The matter before the Hearing Officer arises from the June 26, 2017, decision by the Respondent to deny School Clothing Allowance (SCA) benefits for the Appellant's son.

At the hearing, the Respondent appeared by Kimberly King, 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 Department's Summary

D-2 Notice of Decision dated June 26, 2017

D-3 Hearing Request signed July 18, 2017

D-4 West Virginia Income Maintenance Manual Chapter 15 Appendix C §H and Chapter 9 §21(A)

D-5 West Virginia Income Maintenance Manual Chapter 10 Appendix A

D-6 State of ██████████ Office of Child Support Portal Screen Print for 2017

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 was automatically evaluated for SCA benefits for her son.
- 2) The Respondent notified the Appellant on June 26, 2017, that SCA benefits had been denied due to excessive income (Exhibit D-2).
- 3) The Appellant receives Social Security Disability in the amount of \$719 monthly and Supplemental Security Income (SSI) in the amount of \$36 monthly.
- 4) The Appellant is court-ordered to receive \$320 monthly in child support for her son, and \$80 monthly in child support arrears (Exhibit D-6).
- 5) The Appellant received \$300 in child support in June 2017 and \$150 child support in July 2017 (Exhibit D-6).

APPLICABLE POLICY

West Virginia Income Maintenance Manual §9.21(A)(3) states any individual, age 18 or over, who is eligible for SSI benefits as determined by SSA is ineligible to be included in a WV WORKS or SCA benefit group.

West Virginia Income Maintenance Manual §10.24(D)(8)(a) states the ongoing income of a disqualified individual(s), who would otherwise be required to be included in the AG [assistance group], is counted in its entirety for the WV WORKS or SCA benefits. However, the disqualified individual is not included in the AG and is not considered in determining eligibility or benefit level.

West Virginia Income Maintenance Manual Chapter 15 Appendix C §I states that for the SCA program, the total gross non-excluded income for the Assistance Group (AG) is compared to 100% of the Federal Poverty Level (FPL). There are no deductions from the gross non-excluded income. 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. No deductions or disregards are applied. For SCA, income eligibility is based only on the month of July, the program month.

West Virginia Income Maintenance Manual Chapter 15 Appendix C §A(13) states that eligibility for School Clothing Allowance is determined for the month of July only.

West Virginia Income Maintenance Manual Chapter 10 Appendix A lists 100% of the FPL for a one-person AG is \$1,005.

DISCUSSION

Pursuant to policy, the income limit to receive School Clothing Allowance benefits is 100% of the Federal Poverty Level for the size of the assistance group. Individuals age 18 and older, are ineligible to be included in the School Clothing Allowance assistance group, however, their non-excluded income is deemed to the remaining members of the assistance group.

The Appellant receives Social Security and SSI income. As an SSI recipient, the Appellant cannot be included in the School Clothing Allowance assistance group, but her Social Security income is deemed to her son and counted in eligibility determination.

The Appellant was automatically evaluated for School Clothing Allowance benefits and the denial was based upon the income that was in the Appellant's case. Although the Appellant is court-ordered to receive \$320 monthly in child support for her son, she only received \$150 in July 2017.

The Appellant's income for July 2017 is determined to be \$869, which is below the allowable limit of \$1,005 for a one-person assistance group. The Appellant is eligible to receive School Clothing Allowance benefits for her son.

CONCLUSIONS OF LAW

- 1) Eligibility for School Clothing Allowance is determined for the month of July only.
- 2) The Appellant's gross non-excluded income for July was \$869.
- 3) The income limit for a one-person assistance group for School Clothing Allowance is \$1,005.
- 4) The Appellant's income is below the allowable limit to receive School Clothing Allowance benefits for her son.

DECISION

It is the decision of the State Hearing Officer to **reverse** the decision of the Respondent to deny School Clothing Allowance benefits for the Appellant's son.

ENTERED this 10th day of August 2017

**Kristi Logan
State Hearing Officer**