



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

Jim Justice
Governor

BOARD OF REVIEW
Raleigh District DHHR
407 Neville Street
Beckley, WV 25801

Bill J. Crouch
Cabinet Secretary

August 29, 2017

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-2211

Dear Mr. [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: Margaret Fain, [REDACTED] County DHHR

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BOARD OF REVIEW

██████████,

Appellant,

v.

Action Number: 17-BOR-2211

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 24, 2017, on an appeal filed August 1, 2017.

The matter before the Hearing Officer arises from the decision by the Respondent to deny School Clothing Allowance benefits for the Appellant.

At the hearing, the Respondent appeared by Margaret Fain, Economic Service Supervisor. The Appellant appeared *pro se*. Appearing as a witness for the Appellant was ██████████, his mother. All witnesses were sworn and the following documents were admitted into evidence.

Department'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 applied for Medicaid on June 28, 2017, using form DFA-2, an application used for all programs.

- 2) On the June 28, 2017 application form, the Appellant indicated that he wished to apply for School Clothing Allowance (SCA) benefits.
- 3) A phone interview was completed with the Appellant on July 14, 2017. The Appellant requested that an application for SCA benefits be mailed to him.
- 4) The SCA application was not received before the close of the SCA program on July 31, 2017.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 15, Appendix C states an application for West Virginia School Clothing Allowance, form DFA-WVSC-1, will be mailed to families with school-age children who received WVSCA in the previous program year and who are included in an active SNAP or Medicaid AG in June of the current program year. Active SNAP AGs [assistance groups] who have indicated “Yes” to the question “Does your household choose to be evaluated for automatic issuance of SCA should you be determined eligible?” by deadline for the current program year will not be mailed WVSCA application forms and will be included in the automatic issuance unless there is a child in the case who is less than 5 or older than 17. If there is a child of this age in the case, they will be skipped in the automatic issuance and sent a DFA-WVSC-1 during the regular mass mailing. SNAP AGs confirmed on or after the automatic issuance question deadline for the current program year must complete a DFA-WVSC-1, DFA-2, or use inROADS to apply for WVSCA.

The date of the application 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.

As long as the application is made by the last day of July and the applicant returns the requested information in the time frame specified by the Worker, the WVSCA is approved, if the family is otherwise eligible.

DISCUSSION

SCA is a time-limited program that is only open during the month of July each year. Applications for SCA must be made by July 31, 2017, for eligibility to be established.

The Appellant’s mother, [REDACTED], contended that the Appellant never received the SCA application that he requested on July 14, 2017. The Appellant’s Medicaid application was pending for his paystubs, which he took to the district office on July 18, 2017. Ms. [REDACTED] stated she called the Respondent on July 20, 2017, to inquire if anything else was needed for the Appellant’s case, and never received a return phone call. On July 31, 2017, the Appellant received a letter stating that he had been evaluated for SCA, and could be eligible for the benefit if an application was made.

Ms. [REDACTED] testified that they went to the local district office on August 1, 2017, to apply for SCA for the Appellant, but was told that the program had ended.

Although the Appellant contended that he never received the SCA application as requested, the Appellant could have applied for SCA at the local district office or online via inROADS at any time in July. Per policy, applications cannot be processed after July 31 of the current program year. The Respondent was correct to deny SCA benefits for the Appellant.

CONCLUSIONS OF LAW

- 1) Pursuant to policy, applications for School Clothing Allowance benefits must be made in July of the current program year.
- 2) The Appellant did not complete an application for School Clothing Allowance in July 2017, and was not eligible to receive an automatic issuance.
- 3) The Appellant is not eligible for School Clothing Allowance benefits.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to deny the Appellant School Clothing Allowance benefits.

ENTERED this 29th day of August 2017

Kristi Logan
State Hearing Officer