



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
Berkeley County DHHR
PO Box 1247
Martinsburg, WV 25402

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

October 3, 2017

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-2284

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: John Oglesbee, BCF, [REDACTED] Co. DHHR

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BOARD OF REVIEW

████████████████████,

Appellant,

v.

Action Number: 17-BOR-2284

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 28, 2017, on an appeal filed August 10, 2017.

The matter before the Hearing Officer arises from the Respondent's denial of auto-issuance of
School Clothing Allowance benefits for the Appellant.

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

Department's Exhibits:

None

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 is a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) The Appellant has previously received auto-issuance of School Clothing Allowance (SCA) benefits.
- 3) The Appellant has two children in her household who are potentially-eligible for SCA – a 16 year-old and a 17 year-old, both of whom are enrolled in high school.
- 4) On or about June 28, 2017, the Appellant contacted the Respondent’s Call Center regarding the termination of child support payments she had been receiving for another child in her household.
- 5) The Call Center changed the child support payments in the Appellant’s SNAP benefits case to reflect zero income, however, had left the case in an unconfirmed status.
- 6) No auto-issuance was sent to the Appellant for SCA benefits.
- 7) A SCA application was not received before the close of the SCA program on July 31, 2017.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (IMM) 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 (assistance group) in June of the current program year. Active SNAP AGs 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. [Emphasis added]

IMM Chapter 15, Appendix C, explains that the Application/Redetermination form, DFA-2, or the Application for West Virginia School Clothing Allowance, DFA-WVSC-1, is used. When a DFA-2 is used, a DFA-WVSC-1 is not required. A DFA-2 may only be required when application is made for another benefit at the same time. Applicants may also use inROADS to apply over the internet at www.wvinroads.org. Applicants who receive their applications through the mass mailing completed in mid-June may use the information accompanying the application to electronically sign the application. Individuals submitting applications using inROADS must electronically sign the application.

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. For those Assistance Groups (AG) who have school-age children and received SCA the previous program year and who are included in an active SNAP or Medicaid AG in June of the current program year, form DFA-WVSCA-1 will be mailed to them.

Automatic issuance of SCA benefits only occurs if the AG with an active SNAP has indicated that it would like to be evaluated for automatic issuance of SCA and is determined to be eligible, unless there is a child in the case who is less than 5 years old or older than 17 years old. In that case, a SCA application form (DFA-WVSC-1) will be mailed during the regular mass mailing. SNAP AGs confirmed on or after the automatic issuance deadline for the current program year must complete a DFA-WVSC-1, DFA-2, or use inROADS to apply for SCA.

The Appellant is a SNAP recipient. She testified she has five (5) children in her household, but only stated the ages of three (3) of them, a 16 year-old, a 17 year-old and an 18 year-old. The Appellant testified she previously received an automatic issuance of SCA benefits and had requested to be evaluated again for an automatic issuance. The Appellant testified that she was unaware that she would not be receiving the automatic issuance of SCA for the current program year, and that she would need to make an application for the SCA program. Per policy, because the Appellant had at least two children who were older than 17 years in her case, no automatic issuance of SCA benefits would be issued.

The Respondent's representative, John Oglesbee, testified that in reviewing the case comments entered by the Respondent's Call Center on June 28, 2017, a terminated source of income was removed from the Appellant's case and her SNAP benefits were left in an unconfirmed status. However, had the SNAP benefits been left in an unconfirmed status on June 28, 2017, this should not have affected the mailing of the DFA-WVSCA-1 in mid-June.

As the evidence showed that there were at least two children in the Appellant's case who were over the age of 17 years, the Respondent correctly denied automatic issuance of SCA benefits.

CONCLUSIONS OF LAW

- 1) Pursuant to policy, if there is a child in an active SNAP AG case who is less than 5 or older than 17, no automatic issuance of School Clothing Allowance benefits will be mailed.

- 2) The Appellant's SNAP AG included at least two children who were over the age of 17 years, and was not eligible to receive an automatic issuance of SCA benefits.
- 3) The Appellant did not complete an application for SCA benefits by the program deadline of July 31, 2017, and is therefore not eligible for SCA benefits.

DECISION

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

ENTERED this 3rd day of October 2017

Lori Woodward, State Hearing Officer