



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

October 12, 2017

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 17-BOR-2488

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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

cc: Jessica Koch, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 17-BOR- 2488

**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 October 4, 2017, on an appeal filed September 13, 2017.

The matter before the Hearing Officer arises from the August 16, 2017 decision by the Respondent to deny West Virginia School Clothing Allowance (SCA) benefits.

At the hearing, the Respondent appeared by Jessica Koch, Economic Services Supervisor, WVDHHR. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Respondent's Exhibits:

- D-1 West Virginia Income Maintenance Manual Chapter 15, Appendix C
- D-2 West Virginia Income Maintenance Manual Chapter 9.21
- D-3 West Virginia School Clothing Allowance application dated July 31, 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 applied for West Virginia School Clothing Allowance (SCA) benefits on July 31, 2017 (D-3) and was notified by the Respondent on August 16, 2017 that SCA benefits were denied.
- 2) Jessica Koch, Economic Services Supervisor (ESS) with the Respondent, testified that the application was denied because the Appellant's son receives adoption assistance payments.
- 3) The Respondent contends that recipients of adoption assistance payments are excluded by policy from SCA eligibility.
- 4) The Appellant did not dispute her son's receipt of adoption assistance, but testified that she was told she could apply for SCA benefits through the Respondent's Income Maintenance Unit after her son left foster care.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 15, Appendix C (D-1) states that the policy for SCA eligibility determination groups is the same as for WV WORKS.

West Virginia Income Maintenance Manual Chapter 9.21.A.3 (D-2) states that individuals who are recipients of federal, state or local foster care maintenance or adoption assistance payments are ineligible for WV WORKS payments.

DISCUSSION

Policy states that eligibility determination groups for the SCA Program are the same as for WV WORKS. WV WORKS policy stipulates that individuals who are recipients of federal, state or local foster care maintenance or adoption assistance payments are ineligible for WV WORKS payments. The Appellant's son is a recipient of adoption assistance payments; therefore, he is ineligible to receive SCA benefits under policy.

CONCLUSION OF LAW

The Respondent acted correctly in denying the Appellant's application for SCA benefits.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Respondent's action to deny SCA benefits.

ENTERED this 12th Day of October 2017.

**Pamela L. Hinzman
State Hearing Officer**