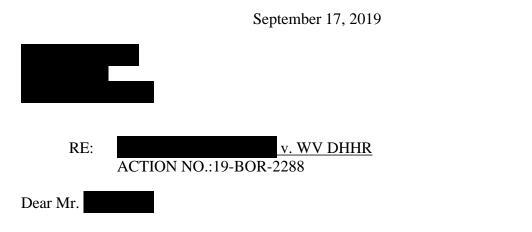


STATE OF WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES OFFICE OF INSPECTOR GENERAL BOARD OF REVIEW Raleigh County District 407 Neville Street Beckley, WV 25801

Jolynn Marra Interim Inspector General



Bill J. Crouch

Cabinet Secretary

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: Tera Pendleton, County DHHR

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES BOARD OF REVIEW

Appellant,

v.

Action Number: 19-BOR-2288

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 **the state state**. 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 12, 2019, on an appeal filed August 29, 2019.

The matter before the Hearing Officer arises from the August 13, 2019, decision by the Respondent to deny the Appellant's application for School Clothing Allowance.

At the hearing, the Respondent appeared by Tera Pendleton, Economic Service Worker. The Appellant appeared *pro se*. Both 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 applied for School Clothing Allowance (SCA) benefits on July 8, 2019 for his son.
- 2) The Appellant's son is an 18-year-old high school student.
- 3) The Appellant's son receives Supplemental Security Income (SSI).
- 4) The Respondent notified the Appellant that his application for SCA benefits was denied as his son was an SSI recipient.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §19.4.2 states that the eligibility determination groups for SCA are the same as those for WV WORKS eligibility determination groups as specified in section 3.4.

West Virginia Income Maintenance Manual §3.4.1.B states that individuals, age 18 or over, who are eligible for SSI benefits as determined by the Social Security Administration (SSA) are ineligible to be included in a WV WORKS assistance group.

DISCUSSION

Pursuant to policy, individuals age 18 and over, who receive SSI, are ineligible for WV WORKS and SCA benefits. The Appellant's son is an 18-year-old SSI recipient.

The Appellant argued that the policy is discriminatory against his son, who is still in high school. The Appellant did not dispute the facts of the SCA denial, only that the SCA policy was unfair.

The Board of Review lacks the authority to change or allow exceptions to policy. Whereas policy specifically excludes SSI recipients who have attained 18 years of age, regardless of school enrollment, the Respondent correctly denied the Appellant's application for SCA benefits.

CONCLUSIONS OF LAW

- 1) Pursuant to policy, individuals age 18 and over, who receive SSI, are ineligible for School Clothing Allowance benefits.
- 2) The Appellant's son is an 18-year old SSI recipient.
- 3) The Respondent acted in accordance with policy in the denial of the Appellant's application 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's application for School Clothing Allowance benefits.

ENTERED this 17th day of September 2019.

Kristi Logan State Hearing Officer