



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

Bill J. Crouch  
Cabinet Secretary

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

Jolynn Marra  
Interim Inspector General

October 3, 2019

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.:19-BOR-2402

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: Leslie Bonds, [REDACTED] County DHHR

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

██████████,

**Appellant,**

v.

**Action Number: 19-BOR-2402**

**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 3, 2019, on an appeal filed September 18, 2019.

The matter before the Hearing Officer arises from the August 16, 2019, decision by the Respondent to deny the Appellant's application for School Clothing Allowance (SCA) benefits.

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

**Department's Exhibits:**

- D-1 Hearing Request Notification Form
- D-2 Notice of SCA Denial dated August 16, 2019
- D-3 Hearing Request received September 18, 2019
- D-4 SCA Application (Form DFA-WVSC- 1) received August 16, 2019
- D-5 West Virginia Income Maintenance Manual §19.3.1.D
- D-6 West Virginia Income Maintenance Manual §19.3.1.J
- D-7 West Virginia Income Maintenance Manual §19.3.1
- D-8 Special Payment Program Questions Screen Print
- D-9 Client Notices Summary Screen Print from June 2018 through January 2019
- D-10 Client Notices Summary Screen Print from May 2019 through August 2019
- D-11 SNAP and Medicaid Review Form received July 30, 2019, Form CLSR (page 1)

D-12 Department's Summary

D-13 Case Comments from January 2019 through July 2019

**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 was a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) The Appellant was mailed a SNAP review form in May 2019 (Exhibits D-10 and D-11).
- 3) The Appellant failed to complete a SNAP eligibility review and was notified by letter mailed on June 18, 2019, that her SNAP benefits would be terminated effective June 30, 2019 (Exhibit D-10).
- 4) The Appellant returned the SNAP review form on July 30, 2019, and a telephone interview was conducted on July 31, 2019 (Exhibits D-11 and D-13).
- 5) On August 16, 2019, the Appellant applied for SCA benefits (Exhibit D-4).
- 6) The Respondent issued a notice of denial on August 16, 2019, advising the Appellant that her SCA application had been denied as the SCA season had ended (Exhibit D-2).

**APPLICABLE POLICY**

West Virginia Income Maintenance Manual §19.3.1 states an application for West Virginia School Clothing Allowance (WVSCA), 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 Supplemental Nutrition Assistance Program (SNAP) or Medicaid assistance group (AG) in June of the current program year. Active SNAP AGs who have indicated they want to be evaluated for automatic issuance of School Clothing Allowance (SCA) if determined eligible by the deadline for the current program year will not be mailed WVSCA application forms and will be included in the automatic issuance. When there is a child in the case who is less than 5 or older than 17, the eligibility system will send a DFA-WVSC-1 during the regular mass mailing. All other applicants must complete a DFA-WVSC-1, DFA-2, or use inROADS to apply for WVSCA.

## **DISCUSSION**

Pursuant to policy, applications for SCA are mailed to families with school-age children who received SCA the previous program year who are included in an active SNAP or Medicaid assistance group in June of the current program year. Active SNAP assistance groups, who have indicated they want to be evaluated for an automatic issuance of SCA if determined eligible by the deadline of the current program year will be included in the automatic SCA issuance.

The Appellant's SNAP and Medicaid benefits were scheduled for an eligibility redetermination in June 2019. On June 18, 2019, the Respondent notified the Appellant that she would no longer receive SNAP and Medicaid after June 30, 2019 for her failure to complete an eligibility review. The Appellant and her children were included in an active SNAP and Medicaid case in June 2019.

The Appellant completed a SNAP and Medicaid review on July 31, 2019. The Appellant testified that during the July 31 interview, she questioned her caseworker about SCA, noting that she had not received an application in the mail or been notified that she had been automatically approved as she had been the previous program year. The Appellant contended that her caseworker advised that they would discuss the SCA during the interview.

The Appellant stated she contacted the Respondent in August 2019, and inquired again about applying for SCA and was advised the program had ended. The Appellant completed an application on August 16, 2019, knowing it would be denied, to appeal her caseworker's failure to evaluate her children for SCA during the SNAP and Medicaid review.

The Appellant's caseworker from the July 31 interview was unavailable for testimony or cross-examination, however, the Appellant's testimony was found credible regarding her attempt to have her children evaluated for SCA during the SNAP and Medicaid review, the last day of the program.

The Respondent contended that because the Appellant's case was "closed" on June 18, 2019, for failure to complete an eligibility review, and the mass mailing of SCA applications and auto-evaluation occurred after that date, she was not automatically evaluated for SCA and was not mailed an application. The Respondent confirmed that the Appellant's case indicated that she wished to be automatically evaluated for SCA.

Policy specifies that if an active SNAP assistance group chooses to be automatically evaluated for SCA it will be included in the automatic SCA issuance if determined eligible by the deadline of the current program year. The Appellant and her children were in an active SNAP assistance group in June 2019, therefore should have been automatically evaluated for SCA.

## **CONCLUSIONS OF LAW**

- 1) Policy specifies that if an active SNAP assistance group chooses to be automatically evaluated for SCA it will be included in the automatic SCA issuance if determined eligible by the deadline of the current program year.

- 2) The Appellant was in an active SNAP assistance group in June 2019, when the Respondent's eligibility system automatically evaluated for SCA.
- 3) The Appellant should have been automatically evaluated for SCA and included in the automatic SCA issuance.

**DECISION**

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

**ENTERED this 3<sup>rd</sup> day of October 2019.**

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**Kristi Logan  
State Hearing Officer**