



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

Bill J. Crouch
Cabinet Secretary

Board of Review
416 Adams Street Suite 307
Fairmont, WV 26554
304-368-4420 ext. 30018
Tara.B.Thompson@wv.gov

Jolynn Marra
Interim Inspector
General

November 2, 2020

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 20-BOR-2267

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 Board of Review 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 that may be taken if you disagree with the decision reached in this matter.

Sincerely,

Tara B. Thompson, MLS
State Hearing Officer
State Board of Review

Enclosure: Appellant's Recourse
Form IG-BR-29

cc: Darlene Smith, [REDACTED] County DHHR

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

████████████████████,

Appellant,

v.

ACTION NO.: 20-BOR-2267

**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' (DHHR) Common Chapters Manual. This fair hearing was convened on October 28, 2020 an appeal filed September 29, 2020.

The matter before the Hearing Officer arises from the September 25, 2020 determination by the Respondent to deny the Appellant eligibility for School Clothing Allowance (SCA) benefits.

At the hearing, the Respondent appeared by Darlene Smith, Economic Services Supervisor. 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 following Findings of Fact are set forth.

FINDINGS OF FACT

- 1) The Appellant submitted an application for West Virginia School Clothing Allowance Program (WV SCA) eligibility for her son [REDACTED]
- 2) On September 25, 2020, the Respondent issued a notice advising the Appellant that she was ineligible for WV SCA due to child [REDACTED], not being within the SCA eligibility age limit.
- 3) At the time of the Respondent's September 25, 2020 denial, child [REDACTED] was three-years-old and enrolled in a WV public prekindergarten.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WVIMM) §§ 19.4.1 through 19.4.3.A provides in part:

All appropriate WV WORKS requirements in Chapter 2 apply. The Eligibility Determination Groups are the same as for WV WORKS. See Section 3.4

To be eligible for the WV WORKS SCA or WV SCA, the child must have reached age 4 by September 1 and are enrolled in a WV public prekindergarten of the current program year.

DISCUSSION

The Appellant contested the Respondent's denial of her eligibility for SCA. The Respondent argued that the Appellant was correctly denied due to child [REDACTED] not meeting the SCA eligibility age requirement. The Appellant argued that due to the family's financial need, child [REDACTED] special academic needs, and child [REDACTED] having been enrolled in public prekindergarten for two years that he should be eligible for SCA benefits. The Respondent had to prove by a preponderance of evidence that child [REDACTED] did not meet the SCA eligibility age requirement.

Although no documentation was entered to establish the age of child [REDACTED], the Respondent testified during the hearing that child [REDACTED] birthday was November 7, 2016. The Appellant did not contest [REDACTED] birthdate. The evidence established that child [REDACTED] was three-years-old at the time of the Respondent's denial. There are no policy exceptions for granting SCA eligibility based solely on financial need, the child's academic need, or length of time the child has been enrolled in public prekindergarten.

CONCLUSIONS OF LAW

- 1) To be eligible for the WV WORKS SCA or WV SCA, child ■■■ was required to have reached age 4 by September 1, 2020.
- 2) The evidence verified that child ■■■ was not age 4 by September 1, 2020.
- 3) The Respondent correctly denied the Appellant's application for SCA benefits.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's denial of the Appellant's application for School Clothing Allowance benefits.

ENTERED this 2nd day of November 2020.

Tara B. Thompson, MLS
State Hearing Officer