



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
P.O. Box 1736
Romney, WV 26757

Joe Manchin III
Governor

Patsy A. Hardy, FACHE, MSN, MBA
Cabinet Secretary

October 30, 2009

Dear: -----

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 26, 2009. Your hearing request was based on the Department of Health and Human Resources' action to deny your application for West Virginia School Clothing Allowances for your children.

In arriving at a decision, the State Hearings 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.

Eligibility for the West Virginia School Clothing Allowance program is based on current policy and regulations. These regulations provide that in order to be eligible for the program an applicant must provide verification of all sources of assets in accordance with WV WORKS verification requirements outlined in Chapter 4 of the West Virginia Income Maintenance Manual. These requirements list bank accounts, certificates of deposits, and all other liquid assets must be verified for all programs that are subject to an asset test. Sources of verification include bank statements, stock market prices, life insurance policies, and statements from financial institutions.

The information which was submitted at your hearing revealed that you did not supply adequate information to your caseworker regarding the remaining balances in your bank accounts.

It is the decision of the State Hearings Officer to **Uphold** the action of the Department to denial your application for the West Virginia School Clothing Allowance program.

Sincerely,

Eric Phillips
State Hearings Officer
Member, State Board of Review

cc: Board of Review
Ann Hubbard, ESS

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

-----,

Claimant,

v.

Action Number: 09-BOR-2123

**West Virginia Department of
Health and Human Resources,**

Respondent.

DECISION OF STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on October 30, 2009 for ----- . This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened on October 26, 2009 on a timely appeal, filed September 08, 2009.

II. PROGRAM PURPOSE:

The Program entitled West Virginia School Clothing Allowance is administered by the West Virginia Department of Health & Human Resources. The WV WORKS School Clothing Allowance (SCA) Program is designed to provide clothing assistance for school age children. These children must be foster children or recipients of WV WORKS during the month of July. The West Virginia School Clothing Allowance (WVSCA) provides clothing assistance for school age children in families who do not wish to apply or are not financially eligible for WV WORKS but whose income is equal to or less than 100% of the Federal Poverty Level.

III. PARTICIPANTS:

-----, Claimant
Ann Hubbard, Economic Service Supervisor

Presiding at the Hearing was Eric L. Phillips, State Hearing Officer and a member of the Board of Review.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether or not the Department was correct in its denial of the Claimants application for the West Virginia School Clothing Allowance program for failing to provide requested verification of assets.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Chapter 15 Appendix C, Chapter 4.1, 4.2

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Department Hearing Summary
- D-2 Verification request dated August 6, 2009
- D-3 Verification provided from the Claimant to the Department dated August 17, 2009.
- D-4 Denial Letter dated September 1, 2009

Claimants' Exhibits:

- C-1 Hearing Request dated September 8, 2009

VII. FINDINGS OF FACT:

- 1) The Claimant applied for the West Virginia School Clothing Allowance on July 20, 2009. This application was submitted to the Department electronically via the internet. After submission of the application, the Claimant mailed verification of the household's Social Security income, along with verification of his spouse's pay stubs for the dates of June 19, 2009 and July 3, 2009.
- 2) On August 6, 2009, the Department mailed the Claimant a verification request, Exhibit D-2. This request in pertinent part documents:

“This is to inform you that the information listed below is needed to establish your eligibility and/or deductions for School Clothing Allowance.

Please Also Verify [sic] gross pay amount received on 7/17/09.

Please verify all bank account balances, as of July.

Thank You.

For School Clothing asset verification is required as well as income for 30 day period up to and including date of application.”

The Exhibit further indicates that the requested verifications were due to the local office by August 16, 2009.

- 3) On August 17, 2009 the Claimant provided Exhibit D-3, verifications of his personal checking account registers indicating the remaining balance of his account for July 2009, verification of his Social Security Income, verification of his children's Social Security Income, and verification of his spouse's income dated July 17, 2009.
- 4) On September 1, 2009, the Department issued a denial letter, Exhibit D-4. This document informed the Claimant of the denial of his application for the West Virginia School Clothing Allowance program. This exhibit reads in pertinent part:

“Your application for School Clothing Allowance dated July 20, 2009 has been DENIED.

You did not turn in all requested information.

Checking Account

Proof of the value of this asset”

- 5) The Claimant purported that he supplied all requested verifications to the best of his abilities. The Claimant indicated that he was required to leave town due to a death in the family, and he submitted the verifications the day before his departure for [REDACTED]. The Claimant revealed this in his hearing request dated September 8, 2009, Exhibit C-1.

- 6) West Virginia Income Maintenance Manual Chapter 15, Appendix C states in regards to asset verification:

“All appropriate WV Works verification requirements in Chapter 4 apply.”

- 7) West Virginia Income Maintenance Manual Chapter 4.2 list verification requirements for assets include:

-Item

Bank Accounts, CD's and other liquid assets

-When to Verify

Applicants: Initiate verification prior to approval; do not delay approval until received.

Recipients: When client reports an increase.

-Possible Sources of Verification

Bank Statements, CD's, stock market prices, life insurance policies, statement of stockbroker.

8) West Virginia Income Maintenance Manual Chapter 4.1 documents:

Verification of a client's statement is required when:

- Policy requires routine verification of specific information. See Section 4.2.

- The information provided by the client is questionable. To be questionable, it must be

- inconsistent with other information provided by the client.

- inconsistent with information received by the Department from other sources; or

- incomplete; or

- obviously inaccurate

- Past experience with the client reveals a pattern of providing incorrect information or withholding information. A case recording must substantiate the reason the Worker questions the client's statement.

- The client does not know the required information.

- The Worker must accept any reasonable documentary evidence as verification and must not require a specific kind or source of verification, if the client's verification is reasonable. Verification may be submitted in person, by mail, fax or electronically.

VIII. CONCLUSIONS OF LAW:

- 1) Policy clearly stipulates that liquid assets, such as personal bank accounts must be verified in order to establish eligibility for the West Virginia School Clothing Allowance program. Acceptable forms of verification are bank account statements, certificates of deposit, and statements from the individual's stockbroker. The Claimant submitted records from his own personal bank register and failed to provide the Department with official verification from his financial institution; therefore the Department was correct in its denial of the Claimants application for the West Virginia School Clothing Allowance program.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the Departments decision to deny the Claimant's application for the West Virginia School Clothing Allowance program.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this ____ day of October 2009.

**Eric L. Phillips
State Hearing Officer**