



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1400 Virginia Street
Oak Hill, WV 25901

Joe Manchin III
Governor

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

November 17, 2010

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 28, 2010. Your hearing request was based on the Department of Health and Human Resources' denial of School Clothing Allowance.

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 School Clothing Allowance program is based on current policy and regulations. These regulations provide that applications for the School Clothing Allowance program will not be accepted after July 21 of the current school year (WV Income Maintenance Manual Chapter 15 Appendix C).

The information submitted at your hearing revealed that you failed to apply for School Clothing Allowance during the time the program was open.

It is the decision of the State Hearings Officer to **Uphold** the action of the Department to deny you School Clothing Allowance.

Sincerely,

Kristi Logan
State Hearings Officer
Member, State Board of Review

cc: Chairman, Board of Review
Phyllis Billings, Economic Service Supervisor

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

-----,

Claimant,

v.

Action Number: 10-BOR-1817

**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 28, 2010 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.

II. PROGRAM PURPOSE:

The Program entitled 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
Phyllis Billings, Economic Service Supervisor

Presiding at the Hearing was Kristi Logan , State Hearing Officer and a member of the Board of Review.

All participants testified by phone.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether or not the Department's denial of Claimant's School Clothing Allowance application was correct.

V. APPLICABLE POLICY:

WV Income Maintenance Manual Chapter 15 Appendix C

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

D-1 Hearing Summary

Claimants' Exhibits:

None

VII. FINDINGS OF FACT:

- 1) Claimant contacted the local office on August 17, 2010 and August 19, 2010 inquiring about the status of her application for the School Clothing Allowance (SCA) program. Claimant's caseworker advised Claimant that a SCA application for her household could not be located. The mail log and SCA log were checked and there was no record of the local office receiving Claimant's SCA application.
- 2) Phyllis Billings, Economic Service Supervisor, testified that the Department has been unable to locate an application for SCA for Claimant. Ms. Billings stated since the Department had never received an application from Claimant, no denial letter was ever generated. Ms. Billings stated Claimant was not automatically evaluated for SCA and there had been no recent action taken on Claimant's case.
- 3) Claimant testified her caseworker mailed her a SCA application that received by her on August 10, 2010. Claimant stated she completed the application and mailed it to the local office on August 12, 2010. Claimant testified that she contacted her caseworker when she had not received notice of the SCA approval and was advised that the Department had never received her application.

Claimant stated she has had the same mailing address for years and has not been having any problems with her mail.

- 4) WV Income Maintenance Manual Chapter 15 Appendix C(10) states:

As long as the application is made by the last day of July and the applicant returns the requested information in the time frame specified by the Worker, the WVSCA is approved, if the family is otherwise eligible. All applications must be processed by August 31st. inROADS will accept applications from July 1st through July 31st and the signature page must be received in the local office no later than the 10th day of August. Receipt of applications should be logged on a central office log and offices should make every effort to complete the applications in the order received. Because SCA vouchers expire October 31st of the current year, every effort should be made to process all applications in a timely manner within 30 days of the date of application.

- 5) WV Income Maintenance Manual Chapter 15 Appendix C(13) states;

Beginning Date of Eligibility

Eligibility is determined for the month of July only.

VIII. CONCLUSIONS OF LAW:

- 1) The School Clothing Allowance program is open during the month of July. All households that were not automatically approved for SCA as a WV WORKS recipients or households active for SNAP or Medicaid who had indicated they wished to be automatically evaluated for School Clothing must complete an application in the month of July in order to be approved.
- 2) Claimant was not automatically evaluated for School Clothing Allowance nor was she an active WV WORKS recipient. Claimant testified she submitted a School Clothing Allowance application in August 2010, after the program had ended.
- 3) The Department has no record of receiving Claimant's School Clothing Allowance application. Additionally, by Claimant's own statement, she failed to apply during the program's time frames as dictated by policy. Claimant was not eligible to receive School Clothing Allowance.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to deny Claimant School Clothing Allowance.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 17th day of November 2010.

**Kristi Logan
State Hearing Officer
Member, Board of Review**