



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
4190 Washington Street
Charleston, WV 25313

Earl Ray Tomblin
Governor

Michael J. Lewis, M.D., Ph.D.
Cabinet Secretary

December 9, 2010

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held December 8, 2010. Your hearing request was based on the Department of Health and Human Resources' action in determining that you did not submit a West Virginia School Clothing Allowance (WVSCA) application for the program year 2010.

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.

Eligibility for the WVSCA Program is based on current policy and regulations. Some of these regulations state that an application for WVSCA will be mailed to certain families with school-age children who received WVSCA in the previous program year and who are included in an active SNAP or Medicaid AG in June of the current program year. If the application is received by mail, the date of application is the date the form is received in the local office. When the form is received prior to July 1st of the program year, it may be processed in RAPIDS no sooner than July 1st. (West Virginia Income Maintenance Manual Chapter 15, Appendix C)

Information submitted at your hearing shows that the department mailed a WVSCA application to you on June 26, 2010. You did not complete and return the form for processing. There was no application received for this program of assistance.

It is the decision of the State Hearing Officer to **uphold** the action of the Department in determining that you did not apply for WVSCA during the 2010 program year.

Sincerely,

Cheryl Henson
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Tera Pendleton, [REDACTED] DHHR

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

-----,

Claimant,

v.

Action Number: 10-BOR-2204

**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 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 December 8, 2010 on a timely appeal filed September 27, 2010.

II. PROGRAM PURPOSE:

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.

II. PARTICIPANTS:

-----, Claimant

-----, Claimant's witness

Tera Pendleton, Department Representative

Presiding at the hearing was Cheryl Henson, State Hearing Officer and a member of the State Board of Review.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether the Department was correct in its determination that the Claimant never applied for WVSCA for program year 2010.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Chapter 15, Appendix C

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Case Comments from the Department's RAPIDS computer system
- D-2 Notice dated June 26, 2010 mailed to Claimant regarding WVSCA
- D-3 RAPIDS computer system list of various letters mailed to Claimant

Claimant's Exhibits:

None

VII. FINDINGS OF FACT:

- 1) The Claimant was actively receiving SNAP benefits when the Department mailed to her a notification letter (D-2) which also included a WVSCA application form. The notice was addressed correctly and dated June 26, 2010. It included the following pertinent information:

Our records indicate that you have a school-aged child (ren) who may be eligible to receive a West Virginia School Clothing Allowance (WVSCA) voucher.

Attached to this letter is a mail-in application form for the WVSCA Program. If you are interested in applying, please complete the form and either mail it or drop it off at the reception desk of your local Department of Health and Human Resources (DHHR) office. You must return the signed mail-in application to your local office no later than July 31, 2010. Applications received after that date cannot be approved. If you do not wish to apply for any other programs, you will not need to wait to see a worker. You should provide verification of your income for the month of July with the application. A DHHR worker will review your application and contact you if any additional information is needed. You will be notified by mail when your application has been processed.

If you wish, you may also apply for the WVSCA on the Internet, through the inROADS system at www.wvinroads.org. Easy instructions for completing the application on-line are included with this letter and no signature page is required. If you opt to complete the inROADS application, it must be submitted on-line no later than July 31, 2010. Applications received after that date cannot be approved. You will be notified by mail when your application has been processed.

- 2) The Claimant contends that at some point during the month of June 2010 she completed an interview with a Department employee for her SNAP review. The Claimant testified that the Department employee who interviewed her that day told her that he was entering the information about her children into the computer system so they would be considered for the WVSCA vouchers. She stated that she believed that she applied for this program of assistance during that interview. There is some disagreement between the parties as to when this interview occurred, however, they agree that the interview occurred during the month of June 2010.
- 3) The Claimant's husband, -----, also testified that the Department employee told them that he was inputting certain information so they would be considered for the WVSCA program during the June 2010 SNAP review interview.
- 4) The Department employee who interviewed the Claimant during June 2010 is David Dheel. Mr. Dheel is an Income Maintenance Specialist in the [REDACTED] West Virginia Department of Health and Human Resources' office, and he testified that although he does not recall the specifics of the June 2010 interview between himself and the Claimant, he is aware that the computer system will not allow him to input a WVSCA application during the month of June 2010. He added that for this reason he believes he did not tell the Claimant that they were applying for WVSCA on that date.
- 5) The Claimant testified that she does not recall receiving the June 26, 2010 notification letter and application from the Department (D-2) which instructed her to complete and submit a WVSCA application before July 31, 2010 in order to be considered for the WVSCA vouchers.
- 6) Tera Pendleton, an Income Maintenance Specialist in the [REDACTED] County, West Virginia Department of Health and Human Resources' office, testified that the Department's computer system does not allow for an applicant to apply for WVSCA prior to July 1, 2010. She stated that the system does not allow input of data until July 1, 2010 for this program of assistance. She stated that she reviewed the Claimant's records and found that she did not submit an application for WVSCA during the 2010 program year.
- 7) West Virginia Income Maintenance Manual Chapter 15, Appendix C states in pertinent part:

An application for West Virginia School Clothing Allowance, 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 SNAP or Medicaid AG in June of the current program year.

If The DFA-WVSC-1 is received by mail, the date of application is the date the form is received in the local office. When the form is received prior to July 1st of the program year, it may be processed in RAPIDS no sooner than July 1st.

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. In ROADS 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.

VIII. CONCLUSIONS OF LAW:

- 1) Policy provides a specific procedure for applying for West Virginia School Clothing Allowance (WVSCA) vouchers. When an application is mailed to an individual, the individual is required to complete and return that application prior to July 31st of the program year, along with any requested verification, in order to be considered for the program. As long as the application is submitted prior to July 31st of the program year, the Department considers it to be timely submitted.
- 2) The evidence shows that the Claimant did not complete and return the application mailed to her on June 26, 2010. The evidence also shows that no other application for WVSCA was submitted for the 2010 program year.
- 3) Although the Claimant contends that she applied for the program during the June 2010 SNAP review interview, the totality of the evidence does not support this contention. The witness testimony from two (2) Department employees supports that the computer system does not allow for application input regarding WVSCA applications during the month of June 2010. In addition, the fact that a WVSCA application (D-2) was mailed to the Claimant on June 26, 2010 supports the Department's contention that no application was received prior to that date. No additional evidence was provided by the Claimant to support her position.
- 4) The Department was correct in the determination that no WVSCA application was received from the Claimant during the 2010 program year.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the Department's determination that no WVSCA application was received for program year 2010.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 9th Day of December, 2010.

**Cheryl Henson
State Hearing Officer**