



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

September 17, 2019



RE: [REDACTED] v. WV DHHR
ACTION NO.:19-BOR-2288

Dear Mr. [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: Tera Pendleton, [REDACTED] County DHHR

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

████████████████████,

Appellant,

v.

Action Number: 19-BOR-2288

**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 September 12, 2019, on an appeal filed August 29, 2019.

The matter before the Hearing Officer arises from the August 13, 2019, decision by the Respondent to deny the Appellant's application for School Clothing Allowance.

At the hearing, the Respondent appeared by Tera Pendleton, Economic Service Worker. 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 Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) The Appellant applied for School Clothing Allowance (SCA) benefits on July 8, 2019 for his son.
- 2) The Appellant's son is an 18-year-old high school student.
- 3) The Appellant's son receives Supplemental Security Income (SSI).
- 4) The Respondent notified the Appellant that his application for SCA benefits was denied as his son was an SSI recipient.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §19.4.2 states that the eligibility determination groups for SCA are the same as those for WV WORKS eligibility determination groups as specified in section 3.4.

West Virginia Income Maintenance Manual §3.4.1.B states that individuals, age 18 or over, who are eligible for SSI benefits as determined by the Social Security Administration (SSA) are ineligible to be included in a WV WORKS assistance group.

DISCUSSION

Pursuant to policy, individuals age 18 and over, who receive SSI, are ineligible for WV WORKS and SCA benefits. The Appellant's son is an 18-year-old SSI recipient.

The Appellant argued that the policy is discriminatory against his son, who is still in high school. The Appellant did not dispute the facts of the SCA denial, only that the SCA policy was unfair.

The Board of Review lacks the authority to change or allow exceptions to policy. Whereas policy specifically excludes SSI recipients who have attained 18 years of age, regardless of school enrollment, the Respondent correctly denied the Appellant's application for SCA benefits.

CONCLUSIONS OF LAW

- 1) Pursuant to policy, individuals age 18 and over, who receive SSI, are ineligible for School Clothing Allowance benefits.
- 2) The Appellant's son is an 18-year old SSI recipient.
- 3) The Respondent acted in accordance with policy in the denial of the Appellant's application for School Clothing Allowance benefits.

DECISION

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

ENTERED this 17th day of September 2019.

**Kristi Logan
State Hearing Officer**