



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

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Cabinet Secretary

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Jolynn Marra  
Inspector General

August 24, 2022



RE: [REDACTED] v. WVDHHR  
ACTION NO.: 22-BOR-1900

Dear [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,

Pamela L. Hinzman  
State Hearing Officer  
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision  
Form IG-BR-29

cc: David Griffin, DHHR

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

████████████████████,

**Appellant,**

v.

**Action No.: 22-BOR-1900**

**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 August 23, 2022, on an appeal filed July 28, 2022.

The matter before the Hearing Officer arises from the July 6, 2022, decision by the Respondent to deny West Virginia School Clothing Allowance (SCA) benefits.

At the hearing, the Respondent appeared by David Griffin, Economic Services Supervisor, WVDHHR. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**EXHIBITS**

**Department's Exhibits:**

- D-1 Notice of Decision dated July 6, 2022
- D-2 West Virginia Income Maintenance Manual Chapter 19.4.3.A

**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 West Virginia School Clothing Allowance (SCA) benefits for her 18-year-old son.
- 2) The Appellant's son is a high school graduate.
- 3) The Appellant's son, who is autistic, is currently enrolled in a post-graduate program at [REDACTED] School.
- 4) The Respondent sent the Appellant a Notice of Decision on July 6, 2022, indicating that her application was denied because her son does not meet SCA school enrollment requirements (Exhibit D-1).

## **APPLICABLE POLICY**

West Virginia Income Maintenance Manual Chapter 19.4.3.A (Exhibit D-2) states that to be eligible for the WV WORKS School Clothing Allowance or West Virginia School Clothing Allowance Programs, a child must meet all of the following criteria:

- Be a resident of West Virginia, not visiting or on vacation.
- Meet the eligibility requirements or be eligible for WV WORKS for July of the current program year.
- For WV WORKS SCA only, be included in the WV WORKS benefit as a dependent child.
- Be enrolled in public kindergarten through 12<sup>th</sup> grade, private kindergarten through 12<sup>th</sup> grade that has been approved by the Board of Education, or a WV public prekindergarten that could be housed in a child care or Head Start center.
- Children who have reached the age of 5 by July 1 and are enrolled in kindergarten of the current program year.
- The following activities are not considered school enrollment: nursery school, correspondence, or internet courses.
- Homeschooling must be approved by the county Board of Education.

NOTE: The WV WORKS policy for including 18-year-olds requires that the 18-year-old be enrolled in secondary school, i.e., high school, high school equivalency, vocational training that substitutes for high school, etc. College is not secondary school. Therefore, the following apply:

- An 18-year-old in college is not eligible for the SCA.
- A 17-year-old in college meets the school enrollment requirement.
- An 18-year-old in high school meets the school enrollment requirement.

The maximum age requirement is met when the child is not yet age 19 on July 1 of the current program year.

## DISCUSSION

Policy states that to be eligible for the SCA Program, a child must be enrolled in a public or private school in kindergarten through 12<sup>th</sup> grade, or in vocational training that substitutes for high school.

The Appellant's son graduated from high school and is enrolled in a post-graduate program at [REDACTED] School. The Appellant testified that her son has autism and school officials recommended that he participate in the new program to promote the further development of life skills. The Appellant testified that her son participates in regular classes at the school. He previously received his high school diploma at a graduation ceremony.

Economic Services Supervisor David Griffin testified that he located no policy exceptions that permit the issuance of SCA benefits for post-graduate programs at a high school.

While it is noted that the Appellant's son is still enrolled at [REDACTED] School, he is a high school graduate and is participating in classes as a post-graduate. As SCA policy makes no eligibility exceptions for 18-year-olds participating in post-graduate programs, the Respondent's decision to deny SCA benefits is affirmed.

## CONCLUSIONS OF LAW

- 1) A child must be enrolled in kindergarten through 12<sup>th</sup> grade at a public or private school, or in vocational training that substitutes for high school, to be eligible for SCA benefits.
- 2) The Appellant's son is a high school graduate who participates in a post-graduate program at [REDACTED] School
- 3) There are no policy exceptions permitting 18-year-old post-high school graduates to receive SCA benefits.
- 4) The Respondent's decision to deny SCA benefits is affirmed.

## DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to deny West Virginia School Clothing Allowance benefits.

**ENTERED this \_\_\_\_ Day of August 2022.**

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**Pamela L. Hinzman  
State Hearing Officer**