



**STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of the Inspector General  
Board of Review**

**Sherri A. Young, DO, MBA, FAAFP  
Interim Cabinet Secretary**

**Christopher G. Nelson  
Interim Inspector General**

August 24, 2023

[REDACTED]

RE: [REDACTED] **v. WVDHHR**  
ACTION NO.: 23-BOR-2394

[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,

Eric L. Phillips  
State Hearing Officer  
Member, State Board of Review

Encl: Recourse to Hearing Decision  
Form IG-BR-29

cc: Carla Addair-Pruitt, WVDHHR

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

██████████,

**Appellant,**

v.

**Action Number: 23-BOR-2394**

**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, 2023, on an appeal August 2, 2023.

The matter before the Hearing Officer arises from the Respondent's decision not to authorize an automatic issuance of West Virginia School Clothing Allowance assistance.

At the hearing, the Respondent appeared by Carla Addair-Pruitt, Economic Service Supervisor. The Appellant appeared pro se. All 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) West Virginia School Clothing Allowance (WVSCA) applications are accepted from July 1, 2023 through July 31, 2023.
- 2) WVSCA benefits are automatically issued to Supplemental Nutrition Assistance Program (SNAP) assistance groups who have open benefits in the month of June of the program year.
- 3) The Appellant's SNAP benefits terminated May 31, 2023, when she failed to submit a recertification for benefits. The Appellant had no open SNAP benefits in June 2023.
- 4) The Appellant did not receive an automatic issuance of WVSCA benefits.
- 5) The Appellant was required to apply for WVSCA benefit prior to July 31, 2023.
- 6) On July 7, 2023, the Appellant completed a recertification for benefits and was evaluated for WVSCA assistance.
- 7) On July 7, 2023, the Appellant was issued notice of her potential eligibility for WVSCA assistance.
- 8) The Appellant did not apply for WVSCA assistance prior to July 31, 2023.

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual 19.3.1 documents:

An Application for West Virginia School Clothing Allowance (WVSCA), 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 Supplemental Nutrition Assistance Program (SNAP) or Medicaid assistance group (AG) in June of the current program year. Active SNAP AGs who have indicated they want to be evaluated for automatic issuance of School Clothing Allowance (SCA) if determined eligible by the deadline for the current program year will not be mailed WVSCA application forms and will be included in the automatic issuance. When there is a child in the case who is less than 5 or older than 17, the eligibility system will send a DFA-WVSC-1 during the regular mass mailing. All other applicants must complete a DFA-WVSC- 1, DFA-2, or use WV PATH to apply for WVSCA.

West Virginia Income Maintenance Manual 19.3.1.J documents:

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. Applications received after July 31 of the current program year must be denied for being received out of season. All applications must be processed by August 31. WV PATH will accept applications from July 1 through July 31. Offices should make every effort to complete the applications in the order in which they are received. Applications must be processed within 30 days of the date of application. In order to maintain controls for receiving, processing, and completing follow-up on applications and to ensure benefits are issued, the local office must retain an SCA application register or log that indicates, at a minimum, the client's name and when the application was received or postmarked.

### **DISCUSSION**

The Appellant was not included in an automatic issuance of West Virginia School Clothing Allowance (WVSCA) and failed to apply for the benefits prior to the program deadline. The Appellant appeals the Respondent's decision to not include her assistance group in an automatic issuance of WVSCA assistance. The Respondent must prove by a preponderance of the evidence that the Appellant was not eligible to receive an automatic issuance of WVSCA assistance and failed to apply for eligibility consideration prior to the program deadline date.

Policy states that WVSCA applications are accepted from July 1 to July 31 of the program year. When an assistance group is an active recipient of Supplemental Nutrition Assistance Program (SNAP) in June of the current program year, the assistance group will be included in an automatic issuance of the WVSCA.

The Appellant failed to complete a recertification for SNAP benefits in May 2023 and was not an active recipient in the SNAP in June 2023. Because the Appellant was not an active SNAP recipient, her assistance group was not included in an automatic issuance of WVSCA benefits. On July 7, 2023, the Appellant completed a recertification for SNAP benefits and the Respondent issued an eligibility evaluation notification for WVSCA to the Appellant. The Appellant acknowledged that an incorrect address was provided to the Respondent and that she did not receive the notification; however, testimony revealed that no notifications were returned to the Respondent. For the Appellant's eligibility for WVSCA to be considered, she was required to apply for the program prior to the deadline for application submission of July 31, 2023. Because the Appellant failed to submit a WVSCA application prior to the deadline she was not eligible for WVSCA assistance.

### **CONCLUSIONS OF LAW**

- 1) WVSCA benefits are automatically issued to SNAP assistance groups who have an open SNAP benefit in June of the program year.
- 2) All other WVSCA applications are accepted from July 1 through July 31 of the program year. Applications received after July 31 are considered out of season and denied.
- 3) The Appellant did not have an open SNAP assistance group in June 2023 and was not considered for an automatic issuance of WVSCA.
- 4) The Appellant failed to apply for WVSCA prior to July 31, 2023.
- 5) Because the Appellant did not apply for WVSCA assistance an eligibility determination was not completed.

### **DECISION**

It is the decision of the State Hearing Officer to uphold the decision of the Respondent not to issue an automatic issuance of WVSCA to the Appellant.

**ENTERED this \_\_\_\_ day of August 2023.**

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Eric L. Phillips  
**State Hearing Officer**