



**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**

October 24, 2023

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 23-BOR-2729

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,

Todd Thornton
State Hearing Officer
Member, State Board of Review

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

cc: Cori Dawson, DHHR

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

IN THE MATTER OF:

ACTION NO.: 23-BOR-2729

██████████,

Appellant,

v.

**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 October 10, 2023, on a timely appeal filed on August 31, 2023.

The matter before the Hearing Officer arises from the August 24, 2023 decision by the Respondent to deny School Clothing Allowance (SCA) benefits.

At the hearing, the Respondent appeared by Cori Dawson. The Appellant was self-represented. All witnesses were sworn and the following documents were admitted into evidence.

EXHIBITS

Department's Exhibits:

- | | |
|-----|---|
| D-1 | Case Summary |
| D-2 | Scheduling Order dated September 19, 2023 |
| D-3 | Notice dated August 24, 2023; Notice of Interstate Match, dated April 20, 2023; Hearing Request form, dated August 31, 2023; Hearing Request Notification form (incomplete) |

D-4 Case Comments screen print from the Respondent's data system regarding the Appellant's case, entries dated August 16, 2023, through September 29, 2023

D-5 West Virginia Income Maintenance Manual (WVIMM), Chapter 6, §6.3.3.B

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 Respondent mailed the Appellant a Notice of Interstate Match (Exhibit D-3) on April 20, 2023.
- 2) This April 2023 notice (Exhibit D-3) advised the Appellant that her son, [REDACTED], would "...be removed from benefits effective 05/31/23."
- 3) The April 2023 notice (Exhibit D-3) provided the basis for this action as "The Office of Inspector General has received information that [REDACTED] is receiving benefits outside of the State of West Virginia."
- 4) The Appellant applied for School Clothing Allowance (SCA) benefits on July 16, 2023, and completed an eligibility interview on August 23, 2023.
- 5) The Respondent mailed the Appellant a notice (Exhibit D-3) dated August 24, 2023, to advise "...of your child's eligibility for the West Virginia School Clothing Allowance (SCA) program for the benefit year 2023 and gives reasons if your children are not eligible for the program..."
- 6) This August 2023 notice (Exhibit D-3) reads, "No individual is eligible for School Clothing Allowance," and indicates that [REDACTED] is "Disqualified for Multiple Benefits Violation."

APPLICABLE POLICY

The policy regarding data exchanges is in Chapter 6 of the West Virginia Income Maintenance Manual (WVIMM), and at §6.1, provides in part:

There are two main electronic sources that provide verifications to the Department of Health and Human Resources (DHHR). These are the Federal Data Hub (FDH) and the Income and Eligibility Verification System (IEVS)...

The policy regarding the IEVS data exchanges is found at §6.1.2, and provides in part:

The IEVS provides the DHHR with additional sources of information for use in determining eligibility and the amount of the benefit for applicants and clients...Information obtained through IEVS is used for the following purposes...To verify the eligibility of the assistance group (AG)...

Federal Data Exchanges are discussed in §6.3 of the WVIMM. At §6.3.3, this policy indicates there are "...three types of PARIS matches on income and medical benefits: Federal, Interstate and Veterans Affairs..." At §6.3.3.B, the policy regarding the Interstate Match provides:

A return on this match indicates an individual is enrolled for benefits in two or more states. Automatic disenrollment for the West Virginia program occurs for the matched individuals. If the individual is the primary person in the entire case, it will close.

DISCUSSION

The Appellant requested a fair hearing to appeal the Respondent's decision to deny School Clothing Allowance (SCA) benefits to the Appellant. The Respondent must show by a preponderance of the evidence that it correctly denied SCA benefits.

The Appellant was receiving unspecified benefits from the Respondent with her son, [REDACTED]. On April 20, 2023, the Respondent's Office of Inspector General (OIG) notified the Appellant that [REDACTED] was shown on an Interstate Match through a Federal data exchange. The notice (Exhibit D-3) provided a deadline of May 4, 2023 to contact OIG to dispute the match, and an effective date of May 31, 2023, for the removal of [REDACTED] from benefits. The Appellant had 90 days from the effective date of May 31, 2023, to contest this notice of removal from benefits, or until August 29, 2023. The Appellant submitted a hearing request on this matter on August 31, 2023.

The Appellant testified that [REDACTED] lives with her, and that the Department informed her the Interstate Match is with [REDACTED]. She testified she has been unable to obtain verification from [REDACTED] regarding [REDACTED], but that he would not be receiving benefits there unless his father was receiving those benefits for [REDACTED]. Without any additional information from either party, this testimony partly supports the notion that [REDACTED] is active for benefits in [REDACTED] and should not be reopened for benefits in West Virginia without verification of closure in [REDACTED]. Policy provides for automatic disenrollment based on this data match, and the Respondent is affirmed in its determination that [REDACTED] must be excluded from the Appellant's benefits, and, therefore, ineligible for SCA.

CONCLUSIONS OF LAW

- 1) Because the Appellant's child, [REDACTED], was identified on a Federal Data Exchange Interstate Match, [REDACTED] must be automatically disenrolled from benefits in the Appellant's case.
- 2) Because the sole child in the Appellant's case is automatically disenrolled from benefits – including School Clothing Allowance (SCA) – the Respondent must deny the Appellant's SCA application for [REDACTED].

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the decision of the Respondent to deny the Appellant's School Clothing Allowance (SCA) benefits.

ENTERED this _____ day of October 2023.

Todd Thornton
State Hearing Officer