



August 4, 2025

[REDACTED]

RE: [REDACTED] v. WVDoHS-BFA
ACTION NO.: 25-BOR-2406

Dear Ms. [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 Human Services. These same laws and regulations are used in all cases to ensure 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: Ashley Wood, BFA

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW**

[REDACTED]

Appellant,

v.

Action Number: 25-BOR-2406

**WEST VIRGINIA DEPARTMENT OF
HUMAN SERVICES
BUREAU FOR FAMILY ASSISTANCE,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for [REDACTED]. This hearing was held in accordance with the provisions found in Chapter 700 of the Office of Inspector General Common Chapters Manual. This fair hearing was convened on July 30, 2025, on an appeal filed with the Board of Review on July 14, 2025.

The matter before the Hearing Officer arises from the July 10, 2025 decision by the Respondent to deny eligibility for the West Virginia School Clothing Allowance program.

At the hearing, the Respondent appeared by Ashley Wood, Economic Service Worker. The Appellant was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Application for West Virginia School Clothing Allowance dated July 9, 2025
- D-2 Notice of Decision dated July 10, 2025
- D-3 West Virginia Income Maintenance Manual Chapter 19.4.13
- D-4 Adoption Order 16-A-23 dated November 17, 2016
- D-5 Adoption Subsidy Screenprint

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 is the adoptive parent to minor child [REDACTED] (Exhibit D-4)
- 2) On July 9, 2025, the Appellant applied for West Virginia School Clothing Assistance (SCA) for the minor child. (Exhibit D-1)
- 3) The Appellant is a recipient of subsidized adoption assistance for the minor child in the amount of \$600.00 per month. (Exhibit D-5)
- 4) On July 10, 2025, the Respondent issued notice (Exhibit D-2) informing the Appellant that her application for the SCA program had been denied because the minor child received adoption assistance.
- 5) Adoption assistance recipients are not eligible for the SCA program.

APPLICABLE POLICY

West Virginia Income Maintenance Manual 19.4.13 documents:

When a child who is in the state's custody and is in foster care through Social Services which pays the \$600 per month per child, then this case goes to court, and the judge makes a ruling to give Legal Guardianship to the Foster Care parent. The judge also awards the \$600 per month Foster Care payment to continue to be paid to the family.

Once this decision has been made, this is no longer considered a Foster Care case by Social Services but is now considered to be a Legal Guardianship case. The family then becomes ineligible for SCA through Social Services and will need to apply on the Family Assistance side.

- The income received is still out of the Foster Care funds and will still need to be listed in eRAPIDS as a Foster Care payment on the Unearned Income screen.
- The worker will go to the Current Benefit Received Screen in eRAPIDS and change the Yes to a No for the Foster Care question.

These actions will allow the system to look at the child for an SCA benefit. The child(ren) still must be in the care of a Specified Relative to be eligible for the SCA benefit.

When the child(ren) are not living with a Specified Relative and still meet financial eligibility, contact Children and Adult Services, Adoption Program Specialist who will evaluate for assistance from Social Services.

Recipients of adoption assistance must not be included the benefit group for SCA.

DISCUSSION

On July 9, 2025, the Appellant applied for West Virginia SCA for her adopted daughter [REDACTED]. The Respondent denied the Appellant's application because the adopted child receives subsidized adoption payments. The Appellant appeals this decision. The Respondent must prove by a preponderance of the evidence that it was correct in its decision to deny the Appellant's application for West Virginia SCA program benefits.

On November 16, 2016, the Appellant was approved by court order to become the adoptive parent to the minor child [REDACTED] (Exhibit D-4). The Appellant receives subsidized adoption assistance from the Respondent in the monthly amount of \$600.00. (Exhibit D-5) On July 9, 2025, the Appellant applied for and was subsequently denied eligibility for the West Virginia SCA program. The Respondent cited that the Appellant was ineligible due to the receipt of subsidized adoption assistance. (Exhibit D-2).

Governing policy mandates that recipients of adoption assistance must not be included in the benefit group for SCA benefits.

Because the minor child is receiving adoption assistance benefits from the Respondent, the child must not be included in the benefit group for West Virginia SCA. Therefore, the Respondent was correct in its decision to deny the Appellant's application for the West Virginia SCA.

CONCLUSIONS OF LAW

- 1) Policy mandates that recipients of adoption assistance must not be included in the West Virginia SCA benefit group.
- 2) The Appellant is the adoptive mother to M.M.S. and receives a monthly subsidized adoption assistance payment in the amount of \$600.00.
- 3) Because the minor child receives subsidized adoption assistance, she is ineligible for West Virginia SCA benefits.
- 4) The Respondent's decision to deny the Appellant's application for the West Virginia SCA program is affirmed.

DECISION

It is the decision of the State Hearing Officer to uphold the Respondent's action to deny the Appellant's application for West Virginia School Clothing Allowance assistance.

ENTERED this _____ day of August 2025.

Eric L. Phillips
State Hearing Officer