



September 11, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS  
ACTION NO.: 25-BOR-2580

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,

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

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

cc: Carla Marsh, WV DoHS

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

[REDACTED]

**Appellant,**

**v.**

**Action Number: 25-BOR-2580**

**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 September 10, 2025.

The matter before the Hearing Officer arises from the decision by the Respondent to disallow an application for West Virginia School Clothing Allowance benefits.

At the hearing, the Respondent appeared by Carla Marsh, Economic Service Worker Senior, WV DoHS. The Appellant was self-represented. The witnesses were placed under oath 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) Applications for West Virginia School Clothing Allowance (SCA) benefits are accepted in the month of July each program year.
- 2) The Respondent began accepting applications for SCA on July 7, 2025, for the current program year.
- 3) In previous years, the Respondent mailed SCA applications to families with school-age children who received SCA the preceding year and who were active recipients of Supplemental Nutrition Assistance Program (SNAP) and/or Medicaid benefits.
- 4) Active SNAP assistance groups who indicated the desire to be evaluated for automatic issuance of SCA, if determined eligible by the deadline for the current program year, were included in the automatic issuance in preceding years and were not mailed an application.
- 5) Effective July 1, 2025, all assistance groups were required to apply for SCA benefits, and automatic issuance of SCA and mass mailing of applications were discontinued by the Respondent.
- 6) The Appellant received an automatic SCA issuance in 2024.
- 7) The Appellant visited the [REDACTED] County DoHS Office on July 28, 2025, to turn in a SNAP Periodic Report Form and expressed a desire to apply for SCA benefits at that time.
- 8) Based on the July 28, 2025, inquiry, the Appellant understood that her SCA benefits were being processed. Therefore, she made no SCA application prior to the July 31, 2025, deadline.
- 9) On August 5, 2025, the Appellant requested a hearing based on failure to receive SCA for her children.

## **APPLICABLE POLICY**

West Virginia Income Maintenance Manual Chapter 19 explains eligibility for SCA:

### 19.3.1 Application Process

EXCEPTION: For the 2025 WVSCA season, no DFA-WVSC-1 will be mailed by the system, and no automatic issuance will occur. All families must submit an application for this program of assistance.

### 19.3.1.B Requests for Application

The Department of Health and Human Resources (DOHS) responds to requests for applications to be mailed to potential applicants and accepts applications submitted by mail. If an individual requests the application by telephone, the application is

mailed on the date of the telephone call. If the individual requests the application by letter, an application form is mailed on the day the request for the application is received in the local office.

#### 19.3.1.C Complete Application

The application is considered complete when the client signs a DFA-WVSC-1, DFA-2, or the Document for Protection of Application Date (DFA-5), which contains, at a minimum, his name and address. When the WV PATH application is submitted with an electronic signature, the application is complete. The WV PATH application must be submitted by the close of business on the last day of the intake month. For a paper application, the application is complete when the client signs a DFA-2 or DFA-5 which contains, at a minimum, his name and address. All applications for school clothing must be received or postmarked no later than the last day of the intake month.

#### 19.3.1.D Date of Application

The date of the application is the date that the DFA-2 or DFA-WVSC-1 was submitted with at least the applicant's name and address, or the date the electronic signature is submitted in WV PATH. If the DFA-WVSC-1 is received by mail, the date of application is the date the form is postmarked or received. When the form is received prior to July 1 of the program year, it may not be processed in the eligibility system before July 1.

#### 19.3.1.J Agency Time Limits

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. WV PATH will accept applications from July 1 through July 31. Applications must be processed within 30 days of the date of application.

West Virginia Income Maintenance Manual Chapter 1.2.1.A states:

In addition to addressing all questions and concerns the client may have, the Worker must explain the benefits of each program and inform the client of his right to apply for any or all of them. No person is denied the right to apply for any Program administered by the Division of Family Assistance (DFA) or the Bureau for Medical Services (BMS). Every person must be afforded the opportunity to apply for all Programs on the date he expresses his interest.

### **DISCUSSION**

Policy stipulates that all applications for SCA must be submitted before July 31 of the program year. Applications received after July 31 will be denied. Effective July 1, 2025, all assistance groups were required to submit either a paper application or online application by the deadline to be considered for the SCA Program. No person is denied the right to apply for any program

administered by the Division of Family Assistance or the Bureau for Medical Services. Every person must be afforded the opportunity to apply for all programs on the date he expresses his interest.

Carla Marsh, Economic Service Worker Senior for the Respondent, testified that the Appellant did not submit a SCA application; therefore, the Department had no SCA application to process for the Appellant.

The Appellant testified that she was at the [REDACTED] County DoHS Office in July 2028 to submit paperwork for her SNAP case. The Appellant stated that she asked a DoHS staff member at the front desk about whether or not she would need to submit an application for SCA benefits since she previously received an automatic issuance. At that time, the Appellant contended that she was told her SCA benefits were being processed and that she was not required to submit an application for the program. Ms. Marsh testified that computer records verify that the Appellant submitted a SNAP Periodic Report Form to the [REDACTED] County Office on July 28, 2025.

The Appellant received SCA via automatic issuance in 2024, and provided credible testimony that she inquired about applying for SCA benefits during her office visit in July 2025 (prior to the SCA application deadline). The Appellant should have been afforded the right to apply for SCA benefits on the date she expressed interest.

### **CONCLUSIONS OF LAW**

- 1) Effective July 1, 2025, automatic issuance of SCA and mass mailing of applications were discontinued by the Respondent, and all assistance groups were required to apply for SCA benefits.
- 2) Policy stipulates that all applications for SCA must be submitted before July 31 of the program year.
- 3) The Appellant inquired about applying for SCA prior to the program deadline and was advised that her benefits were already being processed.
- 4) The Appellant was denied the right to apply for SCA benefits.
- 5) The Appellant must be afforded the opportunity to apply for SCA benefits.

### **DECISION**

It is the decision of the State Hearing Officer to **REVERSE** the action of the Respondent to disallow the Appellant's consideration for School Clothing Allowance benefits. The case is **REMANDED** to the Respondent for a determination of the Appellant's SCA eligibility.

**ENTERED this 11<sup>th</sup> day of September 2025.**

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**Pamela L. Hinzman  
State Hearing Officer**