



September 12, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 25-BOR-2662

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 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,

Lori Woodward, J.D.
Certified State Hearing Officer
Member, State Board of Review

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

cc: Peter VanKleeck, WV DoHS/BFA

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

[REDACTED]

Appellant,

v.

Action Number: 25-BOR-2662

**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 9, 2025.

The matter before the Hearing Officer arises from the July 1, 2025, decision by the Respondent not to automatically evaluate the Appellant for the 2025 School Clothing Allowance (SCA) program.

At the hearing, the Respondent appeared by Peter VanKleeck, Economic Service Supervisor. The Appellant was self-represented. The witnesses were placed under oath, and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 West Virginia Income Maintenance Manual (IMM), Chapter 19, Change Log
- D-3 West Virginia Income Maintenance Manual (IMM), Chapter 19, §19.3.1
- D-4 Screen print West Virginia Department of Human Services (DoHS) web page

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 SCA program is a time-limited program which in the past has been open for applications from July 1 to July 31.
- 2) In previous years, active Supplemental Nutrition Assistance Program (SNAP) assistance groups (AG) 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 and were not mailed an application.
- 3) The Appellant received automatic issuance of SCA benefits in the 2023 and 2024 SCA program seasons.
- 4) The Appellant is a recipient of SNAP and Medicaid benefits.
- 5) On July 1, 2025, the SCA policy was changed to remove automatic issuance of SCA, if the AG is found eligible, mandating all AGs to apply for SCA benefits for the 2025 program season.
- 6) The Respondent made a public announcement by posting the change in the 2025 SCA policy on the Department of Human Services (DoHS) website and on social media.
- 7) The 2025 SCA program season ran from July 7 through July 31, 2025.
- 8) The Appellant did not submit an application for the 2025 SCA benefits.

APPLICABLE POLICY

WV IMM, Chapter 19, §19.3.1, Application Process: 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.

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. [Emphasis added]

WV IMM, Chapter 19, §19.3.1.J, Agency Time Limits, in part: 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.** [Emphasis added]

WV IMM, Chapter 9, §9.3 NOTICE OF ACTION RESULTING IN A CHANGE IN BENEFITS

§9.3.1 ADVANCE NOTICE REQUIREMENTS: A client must receive advance notice in all situations involving adverse actions except those described in the Adverse Actions Not Requiring Advance Notice section below.

§9.3.1.A Adverse Actions Requiring Advance Notice: Adverse actions are defined by program as follows. Use the DFA-NL-C in these situations.

	Adverse Actions	Notes
SNAP	AG closure Decrease in SNAP benefit amount Shortened certification period	The following are not adverse actions, but do require client notification: <ul style="list-style-type: none"> When the amount does not increase following a Supplemental Security Income (SSI) check reduction for repayment of an error caused by client's intentional misrepresentation. When the benefit amount does not increase following a reduction, suspension, or termination of a federal, State, or local means-tested welfare or public assistance program due to the client's failure to comply with the program's requirements. This includes a reduction in WV WORKS benefits due to a sanction.
WV WORKS	AG closure, including closure due to imposition of the third or subsequent sanction Reduction in the benefit amount including reductions due to imposition of the first or second sanction. Removal of a client from the AG, when the benefit amount decreases	A special notice letter, DFA-WWW-NL-1, is required to impose a sanction based on failure to comply with the Personal Responsibility Contract (PRC) or Self-Sufficiency Plan (SSP). See Section 9.3.6 below.
Medicaid and WVCHIP	AG closure Removal of a client from the AG	

§9.3.2 DFA-NL-B, NOTIFICATION LETTER: ACTION TAKEN ON THE BENEFITS YOU RECEIVE FROM DOHS: The DFA-NL-B is used to notify a client of an increase in benefits, changes not affecting the benefit level, or an adverse action when no advance notice is required.

§9.3.2.B Changes Not Affecting the Benefit Level, in part: The client must be notified of all changes made, even when the benefit level is not affected, such as a transfer to another county or a change in payee.

DISCUSSION

The SCA program is a time-limited program usually running from July 1 and ending on July 31 of each year. Previous to July 1, 2025, the SCA policy stipulated that if an Assistance Group (AG) requested to be considered for automatic issuance of SCA benefits, no paper applications would be mailed. Thus, those individuals, if found eligible, would receive SCA benefits without necessitating an application. However, on July 1, 2025, the Respondent implemented a change in the SCA program policy for 2025 requiring all assistance groups to submit either a paper application or an online application by the July 31, 2025, deadline to be considered for the SCA program. No automatic issuances were provided for the 2025 SCA program season which began on July 7, 2025. All applications for the 2025 SCA program season must have been submitted before July 31, 2025. Applications received after July 31, 2025 were denied.

The Appellant brings this appeal because she states that she was unaware that she needed to apply for the 2025 SCA program season. The Appellant had previously received an automatic issuance of the SCA program benefit. The Respondent's witness, Peter VanKleeck, testified that the change in policy was posted on the DoHS website and the DoHS Facebook page.

Policy requires notification of an action resulting in a change in benefits, even when the change does not affect the benefit level. However, the SCA program benefit is not an ongoing benefit for which an Assistance Group (AG) is deemed continually eligible. AGs must be evaluated for eligibility each year for the SCA program. The SCA program is a time-limited benefit open only one month out of the year, July. Because the SCA program benefit is not an ongoing benefit, the notification requirements found in policy do not apply to the changes made in the 2025 SCA program. It should be noted that although the Respondent was not required by policy to send individualized notices to those AG's who previously requested consideration for automatic issuance for SCA program benefits, it did a disservice to them by not doing so. The Board of Review does not have the authority to change policy.

The Respondent was under no policy obligation to individually notify AGs who previously requested eligibility consideration for automatic issuance of SCA benefits. The notice of the 2025 SCA season changes were publicly announced and applications were accepted through July 31, 2025. Because the Appellant failed to submit a 2025 SCA application prior to the July 31, 2025 deadline, the Appellant was ineligible for the program benefits.

CONCLUSIONS OF LAW

- 1) Policy mandates that all applications for SCA be submitted before July 31 of the program year.
- 2) Effective July 1, 2025, automatic issuance of SCA was discontinued by the Respondent and all assistance groups were required to apply for SCA benefits.
- 3) Because the Appellant did not apply for 2025 SCA program benefits prior to July 31, 2025, the Appellant was ineligible.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent not to automatically evaluate the Appellant for automatic issuance of the 2025 School Clothing Allowance benefits.

ENTERED this 12th day of September 2025.

Lori Woodward, Certified State Hearing Officer