



September 24, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 25-BOR-2690

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: Julie Williams, WV DoHS/BFA

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



Appellant,

v.

Action Number: 25-BOR-2690

**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 17, 2025.

The matter before the Hearing Officer arises from the August 18, 2025, decision by the Respondent to deny the Appellant's 2025 School Clothing Allowance (SCA) application.

At the hearing, the Respondent appeared by Julie Williams, 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 Screen print of case comments from April 30 to August 20, 2025
- D-2 West Virginia Depart of Human Services Application for West Virginia School Clothing Allowance, scanned on August 1, 2025
- D-3 Notice (NNDN) of denial, dated August 18, 2025

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) The 2025 SCA program season ran from July 7 through July 31, 2025.
- 3) The Appellant submitted her SCA application after the close of business at the local DoHS office drop box on July 31, 2025.
- 4) The Appellant's SCA application and scanned as received on August 1, 2025.
- 5) On August 18, 2025, the Respondent issued a notification of denial of the Appellant's SCA benefits due to being received after the closure of the 2025 SCA program on July 31, 2025.

APPLICABLE POLICY

WV IMM, Chapter 19, §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.** If the client requests other programs of assistance on the DFA-2, please refer to those sections for the date of application. [Emphasis added]

WV IMM, Chapter 19, §19.3.1.D Date of Application, in part: 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.

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]

DISCUSSION

The SCA program is a time-limited program usually running from July 1 and ending on July 31 of each year. The 2025 SCA program season began on July 7, 2025. All applications for the 2025 SCA program season had to be received or postmarked by July 31, 2025. Applications received after July 31, 2025 were denied. Because the Respondent date stamped the Appellant's SCA application as received on August 1, 2025, the application was denied. On August 18, 2025, the Respondent issued a notification to the Appellant that her SCA application was denied based on being received after the program season ended on July 31, 2025.

The Appellant brings this appeal because she believes that her SCA application should be considered timely. The Appellant testified that she submitted the application in the drop box provided at the local office for after-hours use on July 31, 2025, after the office had closed. The Appellant testified that the sign on the drop box instructs that it is checked only once a day at 8:30 a.m. and that during business hours, all paperwork should be brought inside the office. The Appellant asserted she was unaware that the SCA application must have been submitted by the close of business on July 31, 2025, stating that the application failed to indicate that requirement.

The Respondent's representative, Julie Williams, testified that all paperwork received by the drop box after the close of business, is processed as received the next business day. This is the standard practice. Moreover, Ms. Williams testified that there was a sign in the office where the application forms are available which instructed that all SCA applications must be received by the close of business on July 31, 2025. Ms. Williams also testified that the online PATH website instructs that all SCA applications must be submitted by the close of business on the last day of the intake month (July 31, 2025). The Appellant testified that a friend obtained the application form and, therefore, she was unaware of the close of business deadline.

Policy requires that all paper SCA applications must be received or postmarked by the last day of the program season; whereas all online SCA PATH applications must be submitted by the close of business on the last day of the intake month. The term "received" in the above-noted policy for paper applications is open for interpretation and leaves due process notification issues in question.

The Respondent's local office provides a drop box for the convenience of its customers. The testimony showed that the drop box has a note that explains it is checked only once a day during the business day at 8:30 a.m. and that all paperwork should be submitted inside the office during business hours. However, the evidence failed to show that the note explicitly stated that the submitted paperwork would be considered received the following business day.

Additionally, in reviewing the Appellant's SCA application, there was no program deadline indicated on the application. Although the testimony showed that there was a sign in the office where the paper applications were available, it did not ensure that all those who submitted a paper application knew the specific close of business deadline of July 31, 2025. Because of the importance of submitting a SCA application prior to the end of the program season, the Respondent had the responsibility to ensure that its customers were notified with clear and unequivocal instructions on how to meet the program deadline. The preponderance of evidence showed that this was not done.

Because the Respondent failed to clearly notify the Appellant regarding the SCA program's close of business deadline, its decision to deny the Appellant's 2025 SCA application cannot be affirmed.

CONCLUSIONS OF LAW

- 1) The SCA policy instructs that paper applications must be received or postmarked by the last day of the intake month.
- 2) The Respondent's paper SCA applications did not notify the applicant of the policy submission requirements.
- 3) The Respondent's local office drop box failed to include instructions that all paperwork submitted after-hours would be marked received the following business day.
- 4) Because the Appellant was not notified that her drop box submission would be considered received the following business day, the Respondent's decision to deny the Appellant's 2025 SCA application cannot be affirmed.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the decision of the Respondent to deny the Appellant's 2025 SCA application and to **REMAND** the case for evaluation of the Appellant's eligibility for the 2025 SCA benefits.

ENTERED this 24th day of September 2025.

Lori Woodward, Certified State Hearing Officer