



September 17, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS BFA
ACTION NO.: 25-BOR-2744

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,

Amy Hayes
State Hearing Officer
Member, State Board of Review

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

cc: Kristyne Hoskins, Department of Human Services
Victoria Petro, Department of Human Services

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

[REDACTED]

Appellant,

v.

Action Number: 25-BOR-2744

**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 16, 2025, on an appeal filed with the Board of Review on August 12, 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 Kristyne Hoskins, Economic Service Worker Senior, West Virginia Department of Human Services (WV DoHS). The Appellant was self-represented. The witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Memorandum dated July 2, 2025, from Kent Nowviskie, Deputy Commissioner for Programs & Policy, Family Assistance, to FBA Management Team regarding “SUBJECT: 2025 School Clothing Allowance Program.”
- D-2 Screenshot from Respondent’s “On Base System” showing documents scanned into the case file from July 19, 2023, to August 13, 2025.
- D-3 Case Comments Dated January 15, 2025, to September 2, 2025.
- D-4 Screenshot of the “Case Summary Screen” labeled “5 of 6 Pages.”
- D-5 Screenshot of the “Case Summary Screen” labeled “1 of 6 Pages.”
- D-6 Screenshot of “Special Payment Program Questions” Last Updated on July 15, 2025.

Appellant's Exhibits:

- A-1 Pre-Hearing Conference/Fair Hearing Request Form.
- A-2 Photocopy of "Rent Receipt" with date stamps of "JUL 23 2025" and "AUG 11 2025"

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. 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 was interviewed for a SNAP redetermination on July 15, 2025, and advised that she needed to submit additional documentation to complete her SNAP review.
- 8) On July 23, 2025, the Appellant went in-person to the [REDACTED] County DoHS to submit the documentation for the SNAP redetermination.
- 9) The Appellant's in-person visit to the [REDACTED] County DoHS on July 23, 2025, is not described in the Respondent's case comments.
- 10) The documentation submitted by the Appellant on July 23, 2025, was date stamped by the Respondent on that date (Exhibit A-2).

- 11) On July 23, 2025, during the same visit, the Appellant inquired about the status of her SCA benefits and was advised that she did not need to worry that they just had not yet been sent out.
- 12) Based on the statements of the Department worker on July 23, the Appellant did not complete an SCA application prior to the deadline of July 31, 2025.
- 13) Due to an administrative error on the part of the Respondent, the Appellant returned to the office on August 11, 2025, to re-submit the documentation she had previously provided on July 23, 2025 (Exhibit A-2).
- 14) On August 11, 2025, the Appellant inquired again about the status of her SCA benefits and was informed that she could not apply for SCA benefits because the deadline to apply had passed.
- 15) On August 12, 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

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.

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 between July 7, 2025, and July 31, 2025, to be considered for the SCA Program.

Policy further stipulates that 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 informed of his/her right to apply for all programs and be afforded the opportunity to apply on the date he/she expresses his/her interest.

Kristyne Hoskins, Economic Service Worker Senior and representative for the Respondent, testified that the Appellant did not submit an SCA application; therefore, the Department had no SCA application to process for the Appellant.

The Appellant was interviewed for redetermination of her SNAP benefits on July 15, 2025. She was required to submit paperwork for her SNAP redetermination and testified that she went to the [REDACTED] County DoHS Office on July 23, 2025, to do so. The Appellant testified that the paperwork was date stamped by the Respondent on July 23, 2025. The Appellant stated that, on that date, she asked one of Respondent's workers at the front desk about why she had not received SCA benefits yet since she previously received an automatic issuance. At that time, the Appellant contended that she was told "Don't worry, they just haven't been sent out yet."

The Respondent's submitted evidence does not include any case comments about the Appellant's in-person visit on July 23, 2025. However, the date stamp on Appellant's Exhibit A-2 is credible evidence that the Appellant visited the office that day. The testimony regarding the date stamp was not refuted by the Respondent. In fact, the assertion of the Appellant was corroborated by the Respondent's representative that during the time the Respondent was administering the School Clothing Allowance (SCA) special program (July 2025), the [REDACTED] County DoHS Office was extremely busy. She testified that there were very long lines and the Respondent's workers would go out into the lobby to take paperwork from clients, date stamp it, and turn it in to help keep wait times down. However, they would not make any case comments regarding these visits. Respondent's representative testified, "That's why we give stamped copies showing that yes, the client was here on that date, yes, documentation was turned in, so we can honor the date that they turned it in originally."

Due to an administrative error on the part of the Respondent, the Appellant's submission of the paperwork date stamped on July 23, 2025, was not documented in her case (Exhibit D-2). Based on the Respondent's failure to document the receipt of the paperwork in the Appellant's case, she was issued a notice that her SNAP benefits were denied. After receiving this notice, the Appellant visited the local office on August 11, 2025, and re-submitted the paperwork. The Appellant testified that the worker she spoke with on August 11th advised her that she was required to apply for the SCA program, but the deadline had passed.

Policy states that a Worker has the responsibility to "ensure the client is given the opportunity to apply for all of the Department's programs on the date that he expresses an interest." On July 23, 2025, when the Appellant asked one of the Respondent's workers at the front desk why she had not received SCA benefits yet, she expressed an interest in the program. By responding that the Appellant's SCA vouchers had not been sent out yet, the Respondent's worker did not ensure that

the Appellant was given the opportunity to apply. The response of Respondent's worker would easily be presumed to indicate that there was no need for the Appellant to apply for the benefit.

The Appellant provided credible testimony that she expressed an interest in SCA benefits during her office visit on July 23, 2025, prior to the SCA application deadline of July 31, 2025. The Appellant also provided credible testimony that the response of the Respondent's worker caused her to believe that her SCA benefits would be automatically issued as in years past. The Respondent's worker did not notify the Appellant that she needed to fill out a new application. The Appellant should have been given 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 SCA prior to the program deadline and was advised that her benefits had not been sent out yet.
- 4) The Respondent's Worker did not ensure that the Appellant was given the opportunity 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 **REMAND** the case for the Respondent to determine the Appellant's SCA eligibility based on the July 23, 2025 application date. Any decision regarding SCA eligibility issued by the Respondent is subject to all fair hearing rights.

ENTERED this 17th day of September.

Amy Hayes
State Hearing Officer