



September 24, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA  
ACTION NO.: 25-BOR-2806

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: Jessica Geris, WV DoHS/BFA

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

[REDACTED]

**Appellant,**

**v.**

**Action Number: 25-BOR-2806**

**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 24, 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 West Virginia School Clothing Allowance (WVSCA) program.

At the hearing, the Respondent appeared by Jessica Geris, Family Support 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 WVSCA/SCA program is a seasonal time-limited program which in the past has been open from July 1 to July 31.
- 2) In previous years, when a WV WORKS or Employment Assistance Program (EAP) assistance group (AG) was open before the last working day of June and benefits were issued for July, a WVSCA benefit for each eligible child would be automatically issued to the primary person in the case.
- 3) The Appellant is a recipient of WV WORKS caretaker benefits, who received automatic issuance of WVSCA benefits in the past.
- 4) On July 1, 2025, the WVSCA/SCA policy was changed to remove automatic issuance of the benefit and requiring all AGs to apply for WVSCA/SCA benefits for the 2025 program season. (Exhibits D-2 and D-3)
- 5) The Respondent made a public announcement by posting the change in the 2025 WVSCA/SCA policy on the Department of Human Services (DoHS) website. (Exhibit D-4)
- 6) The 2025 WVSCA/SCA program season ran from July 7 through July 31, 2025.
- 7) The Appellant did not submit an application for the 2025 WVSCA/SCA benefits.

## **APPLICABLE POLICY**

### **WV IMM, Chapter 19, §19.2, WV WORKS SCHOOL CLOTHING ALLOWANCE INFORMATION**

**WV IMM, Chapter 19, §19.2.1, APPLICATION PROCESS:** The application process for WV WORKS School Clothing Allowance (SCA) is the same as for WV WORKS applicants, with the following special considerations, described below.

**WV IMM, Chapter 19, §19.2.1.A, Open WV WORKS Assistance Groups (AG) and Employment Assistance Program (EAP) AGs:** When a WV WORKS or EAP AG is open before the last working day of June and benefits are issued for July, an SCA benefit for each eligible child is automatically issued to the primary person in the case. Benefits for these cases are issued during the initial mailing issuance. **EXCEPTION:** For the 2025 SCA season, these AGs must apply.

**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"> <li>▪ 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.</li> <li>▪ 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.</li> </ul>
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-WVV-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 WVSCA/SCA program is a seasonal time-limited program usually running from July 1 and ending on July 31 of each year. Previous to July 1, 2025, the WVSCA/SCA policy stipulated that when a WV WORKS or EAP AG was open before the last working day of June and benefits were issued for July, an SCA benefit for each eligible child would be automatically issued to the primary person in the case. However, on July 1, 2025, the Respondent implemented a change in the WVSCA/SCA program policy for 2025 requiring all AGs to submit either a paper application or an online application by the July 31, 2025, deadline to be considered for the WVSCA/SCA program. No automatic issuances were provided for the 2025 WVSCA/SCA program season which began on July 7, 2025. All applications for the 2025 WVSCA/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 WVSCA/SCA program season. The Appellant testified that in the past, the caseworker had assured her she would receive an automatic issuance of the WVSCA/SCA benefit. The Respondent's witness, Jessica Geris, testified that the policy of special seasonal programs such as WVSCA/SCA were subject to change and that it is not the Respondent's policy to notify each program recipient of changes to these seasonal programs. However, Ms. Geris did note that the change in the 2025 WVSCA/SCA policy was posted on the DoHS website.

Policy requires notification of an action resulting in a change in benefits, even when the change does not affect the benefit level. However, the WVSCA/SCA program is not an ongoing benefit for which an AG is deemed continually eligible. AGs must be evaluated for eligibility each year for the WVSCA/SCA program. The WVSCA/SCA program is a seasonal time-limited benefit open only one month out of the year, July. Because the WVSCA/SCA program benefit is not an ongoing benefit, the notification requirements found in policy do not apply to the changes made in the 2025 WVSCA/SCA program. It should be noted that although the Respondent was not required by policy to send individualized notices to those AGs who previously received automatic issuance for WVSCA/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 of the WVSCA/SCA change in policy. The notice of the 2025 WVSCA/SCA season changes were publicly announced and applications were accepted through July 31, 2025. Because the Appellant failed to submit a

2025 WVSCA/SCA application prior to the July 31, 2025 deadline, the Appellant was ineligible for the program benefits.

### **CONCLUSIONS OF LAW**

- 1) Policy mandated that all applications for the 2025 WVSCA/SCA to be submitted before July 31 of the program year and was announced publicly on the DoHS website.
- 2) The Respondent was under no policy obligation to individually inform AGs of the change in the 2025 WVSCA/SCA program.
- 3) Because the Appellant did not apply for 2025 WVSCA/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 24<sup>th</sup> day of September 2025.**

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Lori Woodward, Certified State Hearing Officer