



October 23, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA  
ACTION NO.: 25-BOR-2554

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 (DoHS). 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,

Tara B. Thompson, MLS  
Certified State Hearing Officer  
Member, State Board of Review

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

cc: Eben McClung, Amanda Williamson — [REDACTED] DoHS

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

██████████,

**Appellant,**

**v.**

**Action Number: 25-BOR-2544**

**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 ██████████. 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 Respondent's decision on August 12, 2025, to deny the Appellant's eligibility for West Virginia School Clothing Allowance (WV SCA).

At the hearing, the Respondent appeared by Julie Villers, Economic Service Worker. The Appellant appeared and was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 DoHS Case Comment, dated August 12, 2025, by Worker ██████████
- D-2 Application for WV SCA, scanned on August 12, 2025
- D-3 DoHS Case Comment, dated August 12, 2025, by Worker ██████████
- D-4 DoHS Notice, dated August 12, 2025
- D-5 West Virginia Income Maintenance Manual (WVIMM) excerpt § 19.2.1.B
- D-6 WVIMM excerpt § 19.3.1.C
- D-7 WVIMM excerpt § 19.3.1.J
- D-8 DoHS publication, dated July 2, 2025
- D-9 DoHS Email, dated July 2, 2025
- DoHS Memorandum, dated July 2, 2025

**Appellant's Exhibits:**

- A-1 Appellant's Timeline of Events, highlighted
- A-2 Correspondence screen prints
- A-3 DoHS Notice, dated June 13, 2025, highlighted
- A-4 DoHS Notice, dated July 1, 2024, highlighted

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) On July 1, 2024, the Appellant received \$600 in WV SCA benefits for juveniles [REDACTED]. (Exhibit A-4).
- 2) On June 2, 2025, the Appellant completed a full benefit review, interview, and was determined eligible for ongoing SNAP benefits (Exhibit A-1).
- 3) At the time of her June 2025 eligibility review, the Appellant believed her AG would be automatically evaluated for 2025 WV SCA benefits based on the SNAP eligibility decision (Exhibit A-1).
- 4) During the SNAP eligibility review on June 2, 2025, the Respondent did not advise the Appellant that the AG was required to complete a separate application to be considered for WV SCA eligibility.
- 5) On June 13, 2025, the Respondent mailed a notice advising the Appellant that ongoing Medical Assistance and SNAP benefits were approved for the Appellant's four-person AG, effective July 1, 2025 (Exhibit A-3).
- 6) On July 1, 2025, the Respondent made changes to the West Virginia Income Maintenance Manual (WVIMM):
  - § 19.3.1 – “Add an 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.N and 19.3.2.A – “A governor's letter will not be included for the 2025 season.”
- 7) On July 2, 2025, the Respondent issued a press release advising that applications for WV SCA would be accepted from July 7 through July 31, 2025 (Exhibit D-8).
- 8) On July 2, 2025, at 4:34 PM, DoHS email correspondence was disseminated internally with instructions to local offices:
  1. There will be no SCA auto-issuance.

2. The open application intake period for SCA will be July 7, 2025 through July 31, 2025.
  3. Begin processing SCA applications on July 7, 2025.
  4. SCA applications received prior to July 7, 2025 must be denied for being out of season .... (Exhibit D-9).
- 9) On July 2, 2025, the Respondent issued a *Memorandum*, which instructed, “There will be NO auto issuance for any SCA benefit, all families MUST apply” (Exhibit D-9).
- 10) The *Memorandum* noted, “If you received applications in the office before July 7<sup>th</sup> please deny for being received out of season. These applicants should be contacted to submit a new application” (Exhibit D-9).
- 11) The Appellant does not have a newspaper or cable television subscription (Exhibit A-1).
- 12) On August 10, 2025, the Appellant became aware via a friend’s social media post that an application was required for 2025 WV SCA benefits (Exhibit A-1).
- 13) On August 11, 2025, the Appellant visited the Respondent’s office to inquire about SCA eligibility and received a paper application for WV SCA benefits (Exhibits D-1, D-2, and A-1).
- 14) On August 12, 2025, the Respondent issued a notice advising the Appellant her application for WV SCA was denied because the application season had ended (Exhibit D-4).
- 15) The Respondent’s decision was based on WV IMM § 19.2.1. (Exhibit D-4).
- 16) The Respondent did not issue a 2025 WV SCA eligibility denial to the Appellant before August 12, 2025.

### **APPLICABLE POLICY**

**West Virginia Income Maintenance Manual (WVIMM) § 1.2.1.A *Common Information* — *Right to Apply*** provides that 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). Every person must be afforded the opportunity to apply for all Programs on the date she expresses her interest .... When it is not feasible for the applicant to be interviewed — if an interview is required or requested — on the date he expresses interest, he must be allowed to complete the process at a later date. An appointment may be scheduled for his return or the client may return at his convenience.

**WVIMM § 1.2.1.B *Right to General Information*** provides that the Worker must provide the requested information to all those who have applied for benefits or who inquire about the requirements for receiving benefits.

**WVIMM § 1.2.1.C *Right to Consideration for All Programs*** provides that it is the Worker's responsibility to explain and make available all the Department of Human Services' (DoHS) programs for which the applicant could qualify. The Worker must evaluate potential eligibility for all programs based on the available information, unless the applicant specifically states he is not interested in being considered for a specific program.

When an applicant has been evaluated and eligibility is confirmed, a notice is issued from the eligibility system to inform the applicant that he may be eligible for a benefit for which he did not apply and that he must contact his local office for information or to apply.

**WVIMM § 19.3.1 *West Virginia School Clothing Allowance — Application process*** provides that an application for WV SCA will be mailed to families with school-age children who received WV SCA in the previous program year and who are included in an active 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 SCA if determined eligible-by the deadline for the current program year will not be mailed WV SCA application forms and will be included in the automatic issuance .... All other applicants must complete a DFA-WVSC-1, DFA-2, or use WV PATH to apply for WV SCA.

**WVIMM § 19.3.1.A *Application Forms*** provides that to apply for WV SCA, the Application/Redetermination form, DFA-2, or the Application for WV SCA, DFA-WVSC-1 is used .... Applicants who receive their applications through the mass mailing completed in mid-June may use the information accompanying the application to electronically sign the application. Individuals submitting applications using WV PATH must electronically sign the application.

**WVIMM § 19.3.1.C *Complete Application*** provides that 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, her name and address ... For a paper application, the application is completed 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.

**WVIMM § 19.3.1.D *Date of Application*** provides that the date of application is the date 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 before July 1 of the program year, it may not be processed in the eligibility system before July 1.

**WVIMM § 19.3.1.E *Interview Required*** provides that no interview is required when DFA-WVSC-1 or WV PATH is used. When the client is being interviewed for an application or redetermination for another program, form DFA-2 is used.

**WVIMM § 19.3.1.F *Who Must Be Interviewed*** provides that no interview is routinely required, but when an interview is conducted, a specified relative with whom the child lives must participate in the intake interview.

**WVIMM § 1.4.17.C.1 Categorical Eligibility — Who is Eligible, AGs Authorized to Receive a TANF-Funded Benefit** When an AG has at least one member who is authorized to receive benefits from TANF-funded programs or is authorized to receive information and referral services about TANF and other department programs, the AG is categorically eligible.

Authorized to receive means the AG is coded in the eligibility system as active for a benefit whether they are receiving it or not. Those authorized to receive includes individuals who have been determined eligible for benefits and notified of the determination, even if benefits have not been received or accessed or the benefits have been suspended, recouped or not paid because they are less than a minimum amount or they have not yet received the information or referral.

TANF-funded Programs include WV SCA: Until the benefit expiration date.

**WVIMM § 19.3.1.N The Benefit** provides that all eligible AGs will receive EBT clothing benefits only. An instruction sheet and a letter from the Governor accompanies the benefit.

**WVIMM § 19.3.2.A Notification — Approvals and § 19.3.2.B Denials** provides that notification is required. For approvals, the eligibility system automatically issues an approval notice. In addition, instructions to the client and the Governor's letter are included with all WV SCA benefits issued from the State Office. For denials, the eligibility system automatically issues a denial notice.

**WVIMM § 19.3.1.K Agency Delays** If an application has not been acted upon within the required time limit due to an agency error, corrective action must be taken immediately.

## **DISCUSSION**

The Respondent's representative contended that the policy instructions distributed on July 2, 2025, required all families to apply before July 31, 2025, to be considered for 2025 WV SCA eligibility. As the Appellant submitted her WV SCA application after July 31, 2025, the Respondent denied the Appellant's eligibility for 2025 WV SCA benefits.

During the hearing, the Appellant contended she has received automatic WV SCA benefits previously and provided documentary evidence of her WV SCA benefit receipt in 2024. During the hearing, the Appellant testified her AG was actively receiving SNAP benefits and contained school-aged children in June 2025. The Respondent did not refute the facts asserted by the Appellant regarding her household composition and June 2025 SNAP eligibility decision.

The Appellant argued that she was not notified she was required to submit an application for WV SCA benefit eligibility and should have been automatically evaluated for 2025 WV SCA benefits. According to the Appellant's testimony, if she was informed that she must apply, she would have complied before July 31, 2025.

At the onset of the hearing, the parties clarified that the type of assistance being disputed was West Virginia School Clothing Allowance. However, the notice issued by the Respondent on August 12, 2025, cited WV IMM § 19.2.1 as the basis for the Appellant's eligibility denial. During the hearing, the Respondent's worker presented WVIMM § 19.2.1.B, the policy associated with SCA benefits issued in relation to WV WORKS eligibility. The presented policy does not support the Respondent's denial of the Appellant's eligibility for WV SCA benefits. Instead, the applicable WV SCA policies must be considered.

The Board of Review does not have the authority to change the policy and can only determine whether the Respondent correctly applied the policy when deciding the Appellant's 2025 WV SCA eligibility. The Respondent bears the burden of proof and must demonstrate by a preponderance of evidence that the Appellant was ineligible for WV SCA benefits because her application was received after July 31, 2025.

### ***AUTOMATIC ISSUANCE***

During the hearing, the Respondent's representative testified that typically, automatically issued WV SCA benefits are distributed at the beginning of July. According to the documentary evidence submitted by the Appellant, she last received automatically issued WV SCA benefits on July 1, 2024.

The Respondent's representative testified that during an eligibility review, the Respondent's Worker indicates in the record that the client should be evaluated for automatic WV SCA eligibility. Before July 1, 2025, the Respondent's policy instructed that if an AG requested to be considered for automatic issuance of WV SCA benefits, no paper applications would be mailed.

According to the policy, of those individuals are determined to be eligible, a letter from the Governor is sent and WV SCA benefits are automatically added to the AG's EBT card without necessitating a separate application. If those individuals are determined to be ineligible, the policy provides that a denial notice must be issued to the client. Pursuant to the submitted evidence, the Respondent did not send the Appellant an eligibility approval letter, eligibility denial letter, or automatically issue 2025 WV SCA benefits to the AG's EBT account. The evidence revealed that the only denial notice issued to the Appellant was in relation to her August 2025 WV SCA application.

The submitted evidence revealed that the Appellant completed her last SNAP eligibility review on June 2, 2025, and was determined eligible to receive ongoing benefits. During the hearing, the Appellant testified that she believed she would be receiving 2025 WV SCA benefits automatically and was not informed she needed to submit a separate application for eligibility consideration. The submitted evidence did not establish that the Respondent informed the Appellant during her June 2025 SNAP eligibility review that she was required to submit a separate application to establish eligibility for WV SCA benefits.

WV SCA is a TANF-funded program. According to the policy, AGs that are authorized to receive information and referral services about TANF and other Department programs are coded in the eligibility system as active for a benefit whether they are receiving it or not. During the hearing, the Respondent's representative testified that the place in the Respondent's system — where WV

SCA eligibility for automatic issuance is indicated — reflects the most recently submitted application date and does not reveal previous eligibility dates for automatic consideration of WV SCA eligibility. Because the Appellant’s most recent application was submitted in August 2025, the Respondent’s record does not populate WV SCA dates of automatic eligibility consideration preceding August 2025.

As the Respondent is required to retain case documentation to support determinations of client eligibility and the submitted evidence can only confirm the most recent date of WV SCA application, the preponderance of submitted evidence does not rule out that the Appellant’s record indicated the AG was active for automatic consideration of 2025 WV SCA benefit eligibility.

The preponderance of evidence demonstrated that the Respondent routinely automatically awarded the Appellant’s AG WV SCA eligibility based on the most recent SNAP eligibility review but did not initiate automatic issuance of 2025 WV SCA benefits to the Appellant based on her June 2025 SNAP eligibility status.

### ***APPLICATIONS***

Before July 1, 2025, the Respondent’s policy instructed that an application for WV SCA would be mailed to families with school-aged children who received WV SCA in the previous program year and who are included in an active SNAP or Medicaid AG in June of the current program year. According to the Respondent’s policy, mass-mailings of applications are completed in mid-June.

According to the evidence, the Appellant was in an active SNAP AG in June 2025 and received WV SCA in 2024; however, the preponderance of evidence revealed the Respondent did not send a 2025 WV SCA application to the Appellant in mid-June 2025.

### ***POLICY CHANGES***

Pursuant to the evidence, the Respondent made changes to the policy after the agency failed to initiate automatic review of the Appellant’s WV SCA eligibility or send the Appellant an application for WV SCA in June 2025. On July 1, 2025, the Respondent changed the policy by applying an exception that no applications or automatic issuance would be distributed by the Respondent for the 2025 WV SCA season.

According to the evidence, on July 2, 2025, the Respondent issued an internal memorandum and a press release announcing that applications for WV SCA would be accepted from July 7, through July 31, 2025. According to the press release, all families must apply to be considered for WV SCA eligibility.

During the hearing, the Appellant argued that she did not see the Respondent’s public notice because she was not a patron of the methods of publication used by the Respondent. The language on the public notification is vague. While it indicates that “all” families must apply to be considered for eligibility, it does not clarify that families who previously received automatic 2024 WV SCA issuance must also submit a new application.



### ***RIGHT TO APPLY***

The Respondent's policy stipulates that no person may be denied the right to apply for the Respondent's family assistance programs. According to the policy, on the day the client expresses interest, she must be afforded an opportunity to apply for all programs.

According to the policy, the Worker must explain and provide the requested information to those who have applied for benefits or who inquire about the requirements for receiving benefits. Pursuant to the policy, the Worker must evaluate potential eligibility for all programs based on the available information, unless the applicant specifically states she is not interested in being considered for a specific program.

When an interview is required and unable to be completed on the day the client expresses interest, the policy instructs that the AG must be allowed to complete the process at a later date. According to the Respondent's policy, an interview is not routinely required for WV SCA or when the DFA-WVSC-1 or WV PATH is used to apply. During the hearing, the Respondent's representative testified that interest in WV SCA eligibility is evaluated during the SNAP review interview.

Pursuant to the submitted evidence, the Respondent did not inform the Appellant during her June 2024 SNAP eligibility review that she would be required to submit a separate application or do anything additional for automatic evaluation of 2025 WV SCA benefit eligibility. Because 2025 WV SCA benefits were not being processed when the Appellant's representative expressed interest during her June 2025 SNAP eligibility review, the Respondent was required to allow her to complete the process at a later time. The policy specifies that it is the Respondent's responsibility to provide the Appellant with information about the programs she inquires about.

The preponderance of evidence did not reveal that the Respondent was informed of the impending policy change before July 2, 2025. As the policy change did not occur until July 1, 2024, and the Respondent's workers were not notified until July 2, 2025, the Appellant could not have been informed during her June 2025 SNAP review that she would be required to submit a new application to establish 2025 WV SCA eligibility.

On August 12, 2025, the Appellant submitted a paper application for 2025 WV SCA benefits. The Respondent denied the Appellant's eligibility for 2025 WV SCA because the application was received after the application deadline of July 31, 2025.

### ***AGENCY DELAY***

The Respondent's policy change on July 1, 2025, cannot be retroactively applied to remove the Respondent's responsibility to comply with the preceding policies. According to the policy in effect during the Appellant's June 2025 SNAP eligibility review, the Respondent was required to issue an approval notice and automatic issuance of 2025 WV SCA benefits or issue a letter of denial to the Appellant. Pursuant to the evidence, the Respondent did not deny the Appellant's WV SCA eligibility before August 12, 2025.

Even if the Appellant had not indicated in June 2025 that she wished to automatically be considered for 2025 WV SCA issuance, the policy in June 2025 required the Respondent to issue an application in mid-June to previous 2024 WV SCA recipients in an active SNAP AG. According

to the evidence, the Respondent did not issue a 2025 WV SCA application to the appellant in mid-June.

The Respondent had a responsibility to explain and provide requested 2025 WV SCA application information to the Appellant in June 2025, when she expressed interest, and allow her to complete the application process on a later date. As the Appellant was unaware of the Respondent's publication on July 2, 2025, the public notification does not relieve the Respondent's responsibility to explain to the Appellant how to apply for the 2025 WV SCA program when she expressed interest during her June 2025 SNAP eligibility review.

Pursuant to the preponderance of evidence, the Respondent's failure to provide the Appellant with sufficient explanation of the 2025 WV SCA application process prejudiced the Appellant by delaying her right to apply for 2025 WV SCA benefits.

According to the policy, if an application has not been acted upon within the required time limit due to an agency error, corrective action must be taken. As the Respondent failed to properly explain the 2025 WV SCA application requirements to the Appellant and was required to afford the Appellant a later opportunity to complete the 2025 WV SCA application process, the Respondent incorrectly denied the Appellant's application on the basis it was received after the deadline. Therefore, the matter must be remanded for consideration of the Appellant's 2025 WV SCA eligibility based on other qualifying factors.

### **CONCLUSIONS OF LAW**

- 1) The Respondent's Worker must explain and provide requested information to all those who have applied for benefits or who inquire about the requirements for receiving benefits.
- 2) Before July 1, 2025, if an AG requested to be automatically considered for 2025 WV SCA benefit eligibility, no paper applications would be mailed to the Respondent. If those individuals are determined to be eligible, a notice is automatically issued to the AG.
- 3) In mid-June 2025, the Respondent was required to send 2025 WV SCA applications to clients in active SNAP AGs who received WV SCA in 2024.
- 4) If determined to be ineligible for WV SCA, a denial notice must be issued to the client.
- 5) The evidence revealed that during her June 2025 SNAP eligibility review, the Respondent did not explain or inform the Appellant that she would be required to submit a separate 2025 WV SCA application.
- 6) The preponderance of evidence demonstrated that the Appellant was not automatically issued 2025 WV SCA benefits and was not mailed a 2025 WV SCA benefit application in mid-June 2025.
- 7) The policy change made on July 1, 2025, cannot be retroactively applied to remove the Respondent's responsibility to comply with policies that existed before July 1, 2025.

- 8) As the Appellant was unaware of the Respondent's publication, the public notification does not relieve the Respondent's responsibility to explain how to apply for the 2025 WV SCA program during the Appellant's June 2025 SNAP eligibility review.
- 9) The preponderance of evidence demonstrated that the Respondent made an agency error by failing to provide the Appellant with sufficient explanation of the 2025 WV SCA application process.
- 10) The preponderance of evidence revealed that the Respondent's agency error prejudiced the Appellant's AG by delaying the AG's right to apply for 2025 WV SCA benefits.
- 11) As the agency error caused the Appellant's application for 2025 WV SCA benefits to be processed after the time limit, the Respondent incorrectly denied the Appellant's 2025 WV SCA eligibility because her application was received after July 31, 2025.
- 12) The Respondent must take corrective action by re-evaluating the Appellant's 2025 WV SCA benefit eligibility based on other eligibility factors unrelated to the application deadline.

### **DECISION**

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's decision to deny the Appellant's application for 2025 WV SCA eligibility. The matter is **REMANDED** for review of the Appellant's 2025 WV SCA eligibility based on factors other than the application deadline.

**ENTERED this 23<sup>rd</sup> day of October 2025.**

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**Tara B. Thompson, MLS**  
**Certified State Hearing Officer**