



October 8, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA  
ACTION NO.: 25-BOR-2763

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 and Amanda Williamson — [REDACTED] DoHS

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

[REDACTED],

**Appellant,**

v.

**Action Number: 25-BOR-2763**

**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 Respondent's decision made on August 21, 2025, to deny the Appellant's eligibility for West Virginia School Clothing Allowance (WV SCA).

At the hearing, the Respondent appeared by Eben McClung, DoHS. The Appellant was represented by [REDACTED] the Appellant's spouse. All witnesses were placed under oath and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Application for WV SCA
- D-2 DoHS Case Comment, August 21, 2025
- D-3 DoHS Notice, dated August 21, 2025
- D-4 West Virginia Income Maintenance Manual (WVIMM) § 19.2.1.B
- D-5 WVIMM § 19.3.1.C
- D-6 WVIMM § 19.3.1.J
- D-7 DoHS Publication, dated July 2, 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) Since 2017, the Appellant has been a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits and complied with all reporting and eligibility reviews.
- 2) The Appellant's spouse is a member and authorized representative of the Appellant's Assistance Group (AG).
- 3) On June 29, 2024, the Appellant received automatically issued West Virginia School Clothing Allowance (WV SCA) benefits.
- 4) In October 2024, the Appellant's representative completed the AG's SNAP eligibility review, interview, and was determined eligible for ongoing benefits.
- 5) At the time of her October 2024 SNAP eligibility review, the Appellant's representative believed her AG would be receiving 2025 SCA benefits automatically based on the SNAP eligibility decision.
- 6) During the October 2024 SNAP eligibility review, the Respondent did not advise the Appellant's representative that the AG was required to complete a separate application to be considered for WV SCA eligibility.
- 7) The Respondent's record indicates active WV SCA eligibility for automatic issuance based on the most recently submitted application date and does not retain a history past the most recent date entered.
- 8) In June 2025, the Appellant's active SNAP AG contained a school-aged child (Exhibit D-1).
- 9) In June 2025, the Respondent did not mail a 2025 WV SCA application to the Appellant or initiate automatic issuance of 2025 WV SCA benefits for the Appellant's AG.
- 10) 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.”
- 11) On July 2, 2025, the Respondent issued a press release advising that the Respondent would be accepting applications for WV SCA from July 7, 2025, through July 31, 2025 (Exhibit D-7).

- 12) The press release advised, “All families must apply to be considered for eligibility” (Exhibit D-7).
- 13) On August 5, 2025, the Appellant’s representative applied in writing for WV SCA eligibility (Exhibit D-1).
- 14) On August 21, 2025, the Respondent denied the Appellant’s AG eligibility for WV SCA because the SCA application season had ended (Exhibits D-2 and D-3).
- 15) The Respondent did not issue a 2025 WV SCA eligibility denial to the Appellant’s AG before August 21, 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 argued that the policy instructions on July 1, 2025, provided that no WV SCA applications or automatic issuance would be distributed to previous recipients. The Respondent argued that according to the policy on July 1, 2025, all families must apply before July 31, 2025, to be considered for 2025 WV SCA eligibility. As the Appellant's August 5, 2025 application for 2025 WV SCA benefits after July 31, 2025, the Respondent denied the Appellant's eligibility for 2025 WV SCA benefits.

The Appellant's representative contested the Respondent's decision. Testimony by the Appellant's representative indicated that her AG was actively receiving SNAP benefits and contained a school-aged child in June 2025. The Appellant's representative argued that the AG historically received automatic issuance of WV SCA benefits and claimed that she was not informed the AG needed to apply separately to establish 2025 WV SCA eligibility. According to the Appellant's representative's argument, if she was informed that the AG must apply, she would have applied before July 31, 2025. The Respondent's representative reviewed documents submitted in the Appellant's case and testified that since 2017, the Appellant's representative has consistently complied with the AG's benefit review and reporting requirements.

The Respondent bears the burden of proof and had to demonstrate by a preponderance of evidence that the Appellant's AG was ineligible for WV SCA benefits because the application was submitted after the WV SCA application deadline.

## ***AUTOMATIC ISSUANCE***

According to the Appellant's representative's testimony, the Appellant's AG historically received WV SCA automatically based on the SNAP eligibility review decision. The Respondent's representative affirmed that the Appellant's AG received automatically issued WV SCA benefits on June 29, 2024.

The Respondent's representative testified that typically, clients indicate during the SNAP eligibility review interview that they would like to be considered for automatic issuance of WV SCA. 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, if those individuals are determined to be eligible, a letter from the Governor is sent and WV SCA benefits would be 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's AG an eligibility approval letter, eligibility denial letter, or automatically issue 2025 WV SCA benefits to the AG's EBT account.

According to the testimony by the Respondent's representative, the Appellant completed her last SNAP eligibility review in October 2024 and was determined eligible for ongoing benefits. The Appellant's representative testified that at the time of the AG's October 2024 SNAP eligibility review, she believed she would be receiving 2025 WV SCA benefits automatically and did not need to do anything additional. The submitted evidence did not reveal that the Respondent informed the Appellant during the October 2024 SNAP eligibility that the AG was required to do anything additional to establish eligibility for WV SCA.

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 had the opportunity to review the Appellant's record and report when the AG last indicated the Appellant wanted to be automatically considered for WV SCA eligibility. 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 WV SCA eligibility dates for automatic issuance. Because the Appellant's most recent application was submitted in August 2025, the Respondent's record does not populate WV SCA dates of interest 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 cannot rule out that Appellant's record indicated the AG was active for automatic issuance of 2025 WV SCA benefits.

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 2025 WV SCA benefits to the Appellant's AG based on the AG's October 2024 review.

### ***APPLICATIONS***

The Respondent's policy before July 1, 2025, 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.

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

### ***POLICY CHANGES***

After the Respondent failed to initiate the automatic WV SCA issuance or send the Appellant an application for WV SCA in June 2025, the Respondent made changes to the policy. On July 1,

2025, the Respondent changed the policy by applying an exception that no applications or automatic issuance would be issued by the Respondent for the 2025 WV SCA season.

On July 2, 2025, the Respondent issued 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. The language on the public notice is vague. While it indicates that “all” families must apply to be considered for eligibility, it does not clarify that families who previously applied and received automatic 2024 WV SCA issuance must also submit a new application.

During the hearing, the Appellant testified that she was unaware of the publication or would have applied as required.

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

The 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.

The policy instructs that 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. According 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 automatic issuance of WV SCA is expressed during the SNAP review interview.

The Respondent’s representative testified that Appellant’s last full SNAP eligibility review interview was completed in October 2024. The Appellant’s representative testified that she was not informed during her October 2024 SNAP eligibility review that she would be required to do anything additional to qualify for 2025 WV SCA benefits. Because 2025 WV SCA benefits were not being processed when the Appellant’s representative expressed interest during her October 2024 SNAP eligibility review interview, the Respondent was required to allow her to complete the process at a later time.

During the hearing, the Respondent’s representative indicated that the agency was not informed of the policy change in October 2024. As the policy change did not occur until July 1, 2025, the Appellant could not have been informed during her October 2024 review, of the new application requirement for the 2025 WV SCA program year.

When the Appellant’s representative did not receive automatically issued WV SCA SNAP benefits, she visited the local office on August 5, 2025, and submitted a paper application. On

August 21, 2025, the Respondent denied the Appellant's eligibility for 2025 WV SCA because the Appellant's application was received after the 2025 WV SCA application deadline on 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. The policy in place during the Appellant's October 2024 SNAP eligibility review required the Respondent to issue an approval notice and automatic issuance of 2025 WV SCA benefits or issue a letter of denial to the Appellant. According to the evidence, the Respondent did not deny the Appellant's WV SCA eligibility before August 21, 2025.

Even if the Appellant had not indicated in October 2024 that she wished to be considered for automatic 2025 WV SCA issuance, the policy in June 2025 required the Respondent to issue an application in mid-June to previous 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 October 2024, when she expressed interest, and allow her to complete the application process at a later date. As the Appellant was unaware of the Respondent's July 2, 2025 publication, 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 October 2024 SNAP eligibility review.

The preponderance of evidence revealed that the Respondent's failure to provide the Appellant's AG with sufficient explanation of the 2025 WV SCA application process prejudiced the Appellant's AG by delaying the AG's 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's AG and was required to afford the Appellant's AG 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 the 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 considered for automatic issuance of 2025 WV SCA benefits, no paper applications would be mailed by the Respondent. If those individuals are determined to be eligible, a notice is automatically issued to the AG.

- 3) In mid-June 2024, 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 October 2024 SNAP 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 July 1, 2025 policy change 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 July 2, 2025 publication, the public notification does not relieve the Respondent's responsibility to explain how to apply for the 2025 WV SCA program during the AG's October 2024 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 WV SCA benefit eligibility based on other eligibility factors unrelated to the July 31, 2025 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 July 31, 2025 deadline.

**ENTERED this 8<sup>th</sup> day of October 2025.**

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