



October 17, 2025

[REDACTED]

RE: [REDACTED] v. WVDHS/BFA
ACTION NO.: 25-BOR-2908

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,

Todd Thornton
State Hearing Officer
Member, State Board of Review

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

cc: Leslie Riddle, Department Representative

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

[REDACTED]

Appellant,

v.

Action Number: 25-BOR-2908

**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 October 7, 2025, upon a timely appeal filed on September 15, 2025.

The matter before the Hearing Officer arises from the September 4, 2025 decision by the Respondent to deny the Appellant's School Clothing Allowance (SCA) application.

At the hearing, the Respondent appeared by Leslie Riddle. The Appellant was self-represented. All witnesses were placed under oath, and the following documents were admitted into evidence.

EXHIBITS

Department's Exhibits:

- D-1 Memo, dated July 2, 2025
- D-2 Application for West Virginia School Clothing Allowance
 Date received: September 4, 2025
- D-3 West Virginia Income Maintenance Manual (WVIMM) excerpt
- D-4 WVIMM excerpt

D-5 Benefit details screen prints from the Respondent's computer system regarding the Appellant's case

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 Appellant applied for SCA on September 4, 2025. (Exhibit D-2)
- 2) The Respondent denied the Appellant's application as out of season.
- 3) The Appellant received SCA benefits in the past. (Exhibit D-5)
- 4) The Appellant has been required to apply for SCA in the past.
- 5) The Appellant has received automatic issuance of SCA in the past.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WVIMM) § 19.3.1 provides (emphasis added):

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.

WVIMM § 19.3.1.C provides, in pertinent part:

...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...

WVIMM § 19.3.1.J provides (emphasis added):

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.** All applications must be processed by August 31. WV PATH will accept applications from July 1 through July 31. Offices should make every effort to complete the applications in the order in which they are received. Applications must be processed within 30 days of the date of application. In order to maintain controls for receiving, processing and completing follow-up on applications and to ensure benefits are issued, the local office must retain an SCA application register or log that indicates, at a minimum, the client's name and when the application was received or postmarked.

DISCUSSION

The Appellant has appealed the decision of the Respondent to deny the Appellant's SCA application for being received out of season. The Respondent must show, by a preponderance of the evidence, that it correctly denied the Appellant's SCA application on this basis.

The Appellant applied for SCA out of season for 2025. Policy clearly sets the deadline for accepting applications and there was no dispute of the Appellant's application date. The Appellant signed her application for SCA on September 3, 2025, and the Respondent date-stamped the application as received on September 4, 2025. The Respondent failed to provide a denial letter as evidence for the hearing but included it as part of the administrative record for the hearing and there was no dispute of notification by the Appellant.

The Appellant has received SCA in the past. She testified she applied for SCA in the past and also received automatic issuance of SCA in the past. The Appellant received SCA benefits in the four years prior to the 2025 season, each time in the month of July. The Respondent changed its policy regarding automatic issuance of SCA in the 2025 season. The Respondent communicated this

change through outreach on local news and in social media. Despite this, the Appellant testified she thought SCA season was in August instead of July and inexplicably waited until September to apply. The Appellant testified she is disabled and contended her disability affects her memory. The outreach communications of the Respondent were intended to address the change in policy, but the Board of Review cannot create policy exceptions. The Appellant was clearly capable of applying for SCA in the past in addition to her September 2025 application. The Appellant testified that she is very “shut in” and does not follow the news or social media. Nevertheless, the Respondent made reasonable attempts to advise the public of a change in policy that ended the automatic issuance of SCA, at least for the 2025 season. The Board of Review does not have the authority to create a policy exception to the 2025 SCA season deadline. The Respondent’s decision to deny the Appellant’s September 4, 2025 SCA application as out of season is affirmed.

CONCLUSIONS OF LAW

- 1) Because of a change in policy, SCA recipients who received automatic issuance of SCA in prior seasons must actively apply for SCA in the 2025 season.
- 2) Because there are no policy requirements for individual written notification of this policy change, or for individual written notification to prompt or remind individuals of the SCA season, these factors do not change the timeliness of a given SCA application.
- 3) Because the Appellant’s application for SCA was received after July 31, it must be denied for being received out of season.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent’s denial of the Appellant’s SCA application.

ENTERED this _____ day of October 2025.

Todd Thornton
State Hearing Officer