WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted]

Appellant,

v. **Action Number: 26-BOR-2507**

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 August 27, 2026, on an appeal filed with the Board of Review on August 12, 2026.

The matter before the Hearing Officer arises from the August 12, 2026 decision by the Respondent to deny the Appellant's application for West Virginia School Clothing Allowance (SCA) assistance.

At the hearing, the Respondent appeared by Patrick Fisher, Family Support Specialist. The Appellant was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

Respondent's Exhibits:

D-1 Case Summary
D-2 Scheduling Order
D-3 Notice of Decision dated August 12, 2026
D-4 Case Comments dated July 2026-August 2026
D-5 West Virginia Income Maintenance Manual Chapter 3.4.1.B
D-6 Hearing Request

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) On July 20, 2026, the Appellant applied for the West Virginia School Clothing Allowance (SCA) program.

2) The Appellant's household consists of herself and her daughter.

3) The Appellant's daughter is 18 years-of-age.

4) The Appellant's daughter is currently in 12th grade.

5) The Appellant's daughter is receiving Supplemental Security Income (SSI).

6) On August 12, 2026, the Department issued a Notice of Decision (Exhibit D-3) informing the Appellant of the denial of SCA assistance because her daughter receives SSI.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 19.3.3.A documents:

> To be eligible for the West Virginia School Clothing Allowance (WVSCA), the child must meet all of the following criteria:
> • Be a resident of West Virginia, not visiting or on vacation.
> • Meet the eligibility requirements or be eligible for WV WORKS for the intake month of the current program year.
> • Be enrolled in public Kindergarten through 12th grade, private Kindergarten through 12th grade that has been approved by the Board of Education, or a WV Public Prekindergarten that could be housed in a child care or Head Start center.
> • Children who have reached the age 5 by July 1 and are enrolled in Kindergarten of the current program year.
> • The following activities are not considered school enrollment:
> o Nursery School
> o Correspondence or internet courses
> • Homeschooling must be approved by the county Board of Education or parents must meet certain requirements, including providing instruction in core subjects and annual assessments.
>
> An individual who is included in the assistance group (AG) as a caretaker relative is not eligible for SCA, even when he meets the age and enrollment requirements.

Children who have reached the age 4 by September 1 and are enrolled in WV Public Prekindergarten of the current program year.

Maximum age requirement is met when the child is not yet age 19 on July 1 of the current program year.

School enrollment for children ages five through 17 is presumed by the eligibility system. The eligibility system will provide a benefit for any four-year-old enrolled when the system shows an enrollment status of full-time, less than half-time, or half time. The statement of a parent or other specified relative is sufficient, and no other verification is required to document enrollment.

The eligibility system will provide a benefit for any four-year-old enrolled when the system shows an enrollment status of full-time, less than half-time, or half-time.

The instruction sheet directs the SCA payee to return the benefit when the child is not enrolled in school, is no longer in the home, or will not be returning to school.

West Virginia Income Maintenance Manual Chapter 3.4.1.B documents:

Individuals who fit in at least one of the following categories are ineligible. When all members of the AG meet any of the criteria listed below, the entire case is ineligible. In addition, when all otherwise eligible children meet any of the criteria listed below, except receipt of foster care, adoption assistance, or SSI benefits for a dependent child is age 18 or over, the AG is ineligible.

• Individuals who are noncitizens and are ineligible because they have been sponsored by a private or public agency or organization, or because of deeming income from sponsor to noncitizen.

• Individuals who do not meet the citizenship requirements of Chapter 15.

• Individuals, age 18 or over, who are eligible for SSI benefits as determined by the Social Security Administration (SSA).

This includes individuals who are approved, but who have not yet received a payment and individuals for whom benefits are temporarily suspended due to overpayment.

• Individuals who are recipients of federal, state, or local foster care maintenance or an adoption assistance payment.

• The child(ren) of a minor parent (mp) when the minor parent (mp) is a recipient of federal foster care payment.

• An unemancipated minor parent (mp).

A currently unemancipated parent (whose youngest child is at least 12 weeks old) who has not completed high school, unless the parent(s) participates in, or in the case of an applicant, agrees to participate in: educational activities directed toward attainment of a high school diploma or equivalent; or, an alternative educational or training program.

A currently unemancipated parent, under age 18, and the child(ren) of such parent, who do not live with at least one parent of the mp. o See Section 3.3 for the definition of emancipation.

When the unemancipated mp demonstrates good cause for not living with a parent, eligibility may be established by living with another adult relative, a legal
guardian, or in an alternative living arrangement that is supervised by an unrelated adult.

When the alternative living arrangement is a maternity or other group home, the home must be supervised and licensed by the State.

When the alternative living arrangement involves living with or living in a setting supervised by an unrelated adult, the supervising adult must meet all of the following requirements:
- Does not receive WV WORKS benefits;
- Is the same sex as the mp, or the unemancipated mp lives or is supervised by a married couple;
- Is employed;
- Is at least 15 years older than the unemancipated mp;
- Has no Child Protective Services (CPS) Record or has one that contains no substantiated charges; and
- Has no criminal record, as determined by a Criminal Identification Bureau (CIB) report.

DISCUSSION

To be eligible for the West Virginia School Clothing Allowance (SCA), a child must meet the eligibility requirements or be eligible for the WV WORKS program for the intake month of the current program year. Individuals, age 18 or over, who are eligible for SSI benefits as determined by the Social Security Administration cannot be included into a WV WORKS eligibility determination group.

On July 20, 2026, the Appellant applied for SCA for her 18-year-old daughter who receives SSI assistance from the Social Security Administration. On August 11, 2026, the Respondent denied the Appellant's application due to the child's receipt of SSI benefits. The Appellant appeals the decision. The Respondent must prove by a preponderance of the evidence that it correctly denied the Appellant's application.

The Appellant contends that her child maintains eligibility for SCA due to the Governor's issuance of supplemental income funding the program for children between the ages of 4 to 18 in the month of August 2026. The Appellant offered no dispute that her child receives SSI but avers her child should continue to receive the assistance because she received the benefits in the past.

Regardless of the approval of supplemental funding for the SCA, a recipient must meet eligibility criteria. This criteria includes, but is not limited to, meeting the eligibility requirements or be eligible for WV WORKS for the intake month of the current program year. Policy dictates that individuals, age 18 or over, who are eligible for SSI benefits cannot be included in a WV WORKS eligibility determination group. Because the child failed to meet the eligibility requirements for the WV WORKS program, the child is ineligible to receive SCA. Therefore, the Respondent was correct in its decision to deny the Appellant's application for the SCA program.

CONCLUSIONS OF LAW

1) Policy dictates that to be eligible for SCA, a child must be a resident of West Virginia, meet the eligibility requires or be eligible for WV WORKS for the intake month of the current program year and be enrolled in a public or private (with approval from the Board of Education) Kindergarten through 12th grade.

2) Policy dictates that individuals, age 18 or over, who are eligible for SSI benefits as determined by the Social Security Administration are ineligible for WV WORKS.

3) The child's receipt of SSI benefits excludes her from the WV WORKS eligibility determination group.

4) The child's exclusion from the WV WORKS eligibility determination group deems her ineligible for SCA.

5) The decision to deny SCA is affirmed.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to deny the Appellant's application for SCA.

ENTERED this _____ day of September 2026.

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Eric L. Phillips
Certified State Hearing Officer