WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted]

Appellant,

v. **Action Number: 26-BOR-2564**

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 15, 2026, on an appeal filed with the Board of Review on August 21, 2026.

The matter before the Hearing Officer arises from the August 14, 2026, decision by the Respondent to deny the Appellant's application for School Clothing Allowance benefits.

At the hearing, the Respondent appeared by Rebecca Milam, [redacted] County DoHS. The Appellant was self-represented. All witnesses were placed under oath, and the following documents were admitted into evidence.

Department's Exhibits:

None

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 School Clothing Allowance (SCA) benefits on July 22, 2026.

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

3) The Respondent calculated the Appellant's monthly earned income as $3,997.38.

4) The Appellant's adult daughter, [redacted] was not included in the SCA assistance group.

5) The Respondent sent a notice of denial on August 14, 2026, advising the Appellant that her application had been denied as the income exceeded the allowable limit for SCA.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 19 explains SCA eligibility:

19.3.2 Eligibility Determination Groups
The Eligibility Determination Groups are the same as WV WORKS. See Section 3.4. Recipients of adoption assistance must not be included in the benefit group for SCA.

19.3.5 Income
All WV WORKS income requirements in Chapter 4 apply. No deductions or disregards are applied. For SCA, income eligibility is based only on the program month. When income has been previously verified within the last two months, additional income verification is not required. If appropriate, income must be updated in the eligibility system. If the gross non-excluded income is equal to or greater than 130% of the federal poverty level (FPL), the family is ineligible for WVSCA.

West Virginia Income Maintenance Manual Chapter 3 explains eligibility determination groups:

3.4 The Assistance Group – Who Must be Included?
Whether or not an individual has sufficient income to meet his own needs or the needs of his dependents is not relevant when determining if the individual must be included in the assistance group (AG). The following individuals must be included in the AG:

- All minor, dependent, blood-related, and adoptive siblings who live in the same household with a specified relative.
- The parent(s) of the child(ren) identified in the example above when the parent(s) lives with the child(ren), unless he falls under any of the categories of who must not be included listed below.

- In cases of joint custody, only the custodial parent is included. The custodial parent is the one with whom the child(ren) lives more than 50% of the time in a given month. The custodial parent of any child may change from month to month. If the child lives with each parent exactly 50% of the time, the parents must decide who the custodial parent is.
- Parents who attend school, work, or are looking for work away from home, including those who work out of state, must be included, unless there is a legal separation.
- The legal spouse of the parent described above, regardless of the legal spouse's legal relationship to the child(ren), unless he falls under any of the categories of who must not be included listed below.
- All minor, dependent, blood-related, and adoptive children of the legal spouse of the parent, regardless of the relationship of the children to the other children in the home, provided they are living with a specified relative.
- The non-parent caretaker who has chosen to be included by signing the WV WORKS Caretaker Relative Option form (DFA-WVW-10) within the past 12 months.
- The parent(s) of an unemancipated minor parent (mp), even when the mp requests benefits for the child only. This situation would also include the blood-related siblings of the mp. Refer above for the legal spouse of the parent.

3.4.1.B Who Must Not be Included?

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 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).
- 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 child who is absent from his home for 30 consecutive days.

West Virginia Income Maintenance Manual Chapter 4 Appendix A lists income limits:

130% FPL for a four-person assistance group is $3,483.

DISCUSSION

The income limit for SCA is 130% of the FPL, or $3,483 for a four-person assistance group. The

Respondent denied the Appellant's application for SCA as her countable monthly income of $3,997.38 exceeded the limit set forth in policy.

The Appellant's household consists of herself, her adult daughter [redacted] and three school-aged children. The Respondent did not consider [redacted] as a member of the Appellant's SCA assistance group and the monthly household income was compared to the income limit for a four-person assistance group, instead of five. The Appellant disputed the exclusion of [redacted] from the SCA assistance group.

The Appellant contended that [redacted] is included in some programs offered by the DoHS and the differing polices for each program creates a barrier. The Appellant argued that if [redacted] were counted in the assistance group, she would have been eligible for SCA. The Appellant asked that the SCA policy be changed to include the number of people that she supports who reside in her household.

Pursuant to policy, the SCA assistance group is determined by WV WORKS policy. Under WV WORKS policy, the assistance group consists of the parent and all minor, dependent, blood-related, and adoptive siblings who live in the same household. [redacted] is nineteen years old and is, therefore, excluded from the SCA assistance group.

The Board of Review does not have the authority to change policy or grant exceptions to the policy and can only determine if the Respondent followed the existing policy in the denial of the Appellant's application for SCA. Whereas Alana is an adult member of the Appellant's household, she cannot be included in the SCA assistance group. The Respondent acted in accordance with policy by excluding Alana from the SCA assistance group.

CONCLUSIONS OF LAW

1) School Clothing Allowance assistance groups are determined by WV WORKS policy.

2) The assistance group under WV WORKS policy consists of the parent and all minor siblings who reside in the same household.

3) The Appellant's household consists of herself, her three school-aged children, and her adult daughter, Alana.

4) Alana cannot be included in the SCA assistance group.

5) The income limit for SCA for a four-person assistance group is $3,483.

6) The Appellant's countable monthly income of $3,997.38 exceeds the allowable limit to receive SCA.

DECISION

It is the decision of the State Hearing Officer to **uphold** the action of the Respondent to deny the Appellant's application for School Clothing Allowance.

ENTERED this 15th day of September 2026.

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Kristi Logan
Certified State Hearing Officer