WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted]

Appellant,

v. **Action Number: 26-BOR-2828**

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 14, 2026, on an appeal filed with the Board of Review on September 16, 2026.

The matter before the Hearing Officer arises from the August 17, 2026, decision by the Respondent to deny the Appellant's application for School Clothing Allowance benefits.

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

Department's Exhibits:

D-1 Emergency Temporary Order of Appointment of Minor Guardian dated November 14, 2024

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 21, 2026, for [redacted], [redacted], [redacted], [redacted], and [redacted]

2) [redacted] is the Appellant's daughter, [redacted], [redacted], [redacted], and [redacted] are the Appellant's boyfriend, [redacted] children.

3) SCA benefits for [redacted] were approved.

4) The Respondent sent a notice to the Appellant on August 17, 2026, advising that SCA benefits for [redacted], [redacted], [redacted], and [redacted] were denied as she does not have a qualifying relationship to the children.

5) The Appellant contested the denial of SCA for [redacted], [redacted], [redacted], and [redacted] as she has legal guardianship over the children (Exhibit D-1).

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 19 explains SCA eligibility:

19.2.1.G Who Must Sign
The specified relative with whom the child lives must sign the DFA-WVSC-1 or submit an electronic signature.

19.2.1.J Agency Time Limits
As long as the application is made by the last day of the intake month or before funds are exhausted 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 the last day of the intake month or after funds are exhausted must be denied for being received out of season. All applications must be processed prior to the program closing in the system. WV PATH will accept applications during the intake month or until funds have been exhausted. 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.

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

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

3.4.1.A Who Must be Include? (WV WORKS/SCA)
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

AG. A Supplemental Security Income (SSI) recipient, aged 18 or over, cannot be included in the AG. See "Who Cannot Be Included" below. 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

DISCUSSION

Policy stipulates that SCA applicants must be a specified relative to the child for which the benefit is for. Specified relatives include 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) when the parent(s) lives with the child(ren), the legal spouse of the parent described above, and all minor, dependent, blood-related, and adoptive children of the legal spouse of the parent. The Respondent denied the Appellant's application for [redacted], [redacted], [redacted], and [redacted] as she was not a specified relative.

The Appellant was granted legal custody of [redacted], [redacted], [redacted], and [redacted] in 2024 when the children's father was incarcerated. The Appellant argued that the custody agreement entitled her to receive SCA benefits on the children's behalf. The Emergency Temporary Order of Appointment of Minor Guardian granted the Appellant medical, educational and other decision-making authority on behalf of the children and the designation as payee for any benefits the children may receive (Exhibit D-15). The order does not explicitly grant the

Appellant public assistance benefits for the children for which they would not otherwise be eligible to receive.

The Appellant is not a specified relative of [redacted], [redacted], [redacted], and [redacted] and therefore the Appellant is not eligible to receive SCA benefits on their behalf. The Appellant contended [redacted] is now in the home, and had they known his signature was required, they would have reapplied before the SCA season ended. The Respondent processed the Appellant's July 21, 2026, SCA application August 16, 2026, within the 30-day processing time frame found in policy.

Whereas the Appellant is not a specified relative of [redacted], [redacted], [redacted], and [redacted], the Respondent acted in accordance with policy in the denial of SCA benefits.

CONCLUSIONS OF LAW

1) A specified relative must apply for SCA benefits.

2) The Appellant applied for SCA for her daughter, [redacted], and her boyfriend's children, [redacted], [redacted], [redacted], and [redacted]

3) SCA for [redacted] was approved as the Appellant is a specified relative of [redacted]

4) The Respondent correctly denied SCA benefits for [redacted], [redacted], [redacted], and [redacted] as there is not a qualifying specified relationship between the Appellant and the children.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to deny School Clothing Allowance benefits for [redacted], [redacted], [redacted], and [redacted]

ENTERED this 14th day of October 2026.

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Kristi Logan
Certified State Hearing Officer