



September 18, 2024

[REDACTED]

RE: [REDACTED] v. DoHS/BFA
ACTION NO.: 24-BOR-2855

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
State Hearing Officer
Member, State Board of Review

Encl: Recourse to Hearing Decision
Form IG-BR-29
cc: Janet Howard, DoHS

FINDINGS OF FACT

- 1) The Appellant applied for WV SCA benefits for her 18-year-old child, [REDACTED]
- 2) [REDACTED] is enrolled in high school.
- 3) [REDACTED] receives Supplemental Security Income (SSI).
- 4) On August 5, 2024, the Respondent issued a notice advising that [REDACTED] was ineligible for WV SCA benefits because he received SSI.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WVIMM) § 19.4.2 *Common Eligibility Requirements- Eligibility Determination Groups* provides that the eligibility determination groups are the same as for WV WORKS. And references Section 3.4.

WVIMM § 19.4.3.A *Age and School Attendance* provides that to be eligible for WV SCA, the child must meet all of the criteria including, being enrolled in Kindergarten through 12th grade. The policy note provides that the WV WORKS policy for including 18-year-olds requires that the child be enrolled in secondary school, such as high school. Therefore, an 18-year-old in high school meets the school enrollment requirement.

WVIMM § 3.4.1.A *Who Must Be Included?* Provides that an SSI recipient, age 18 or over, cannot be included in the AG.

WVIMM § 3.4.1.B *Who Must Not Be Included?* Provides that individuals, age 18 or over, who are eligible for SSI benefits as determined by the Social Security Administration (SSA) cannot be included in the AG.

DISCUSSION

During the hearing, the Respondent's representative testified that the Appellant's Application for WV SCA on [REDACTED] behalf was processed on July 9, 2024, and again on August 2, 2024, because she believed the initial decision to be incorrect. The Respondent's representative testified that she was advised by her supervisor that policy prohibits adults receiving SSI from receiving SCA and that the August 5, 2024 eligibility denial was correct.

During the hearing, the Respondent's representative testified that [REDACTED] was 18 years old, enrolled in public education, and receiving SSI. The Appellant did not contest the Respondent's testimony and requested that an override be granted and the SCA eligibility for [REDACTED] be granted.

During the hearing, the Appellant's representative testified she did not understand why other 18-year-old SSI recipients attending high school were receiving SCA benefits. This Hearing Officer can only determine whether the Respondent correctly decided eligibility in the matter regarding [REDACTED] and cannot address the SCA eligibility determinations of other individuals.

The Board of Review cannot judge the policy or grant exceptions to the policy. This Hearing Officer may only decide if the Respondent correctly followed the policy when denying [REDACTED] eligibility for SCA benefits. The policy stipulates that a child over age 18 who is enrolled in high school meets the school enrollment requirement for WV SCA eligibility. Under the policy, SCA eligibility determination groups are the same as WV WORKS eligibility determination groups. The policy stipulates that individuals aged 18 and over who are eligible for SSI cannot be included in the WV WORKS AG.

As individuals over the age of 18 who receive SSI cannot be included in the SCA AG, the Respondent's decision to deny the Appellant SCA eligibility must be affirmed.

CONCLUSIONS OF LAW

- 1) Individuals, age 18 or over, who are eligible for SSI benefits as determined by the Social Security Administration (SSA) cannot be included in the AG.
- 2) The preponderance of evidence demonstrated that [REDACTED] cannot be included in the SCA AG because he is over age 18 and receiving SSI.
- 3) The Respondent proved by a preponderance of evidence that the Respondent correctly denied [REDACTED] eligibility for SCA benefits.

DECISION

It is the decision of the State Hearing Officer to affirm the Respondent's decision to deny the Appellant eligibility for SCA benefits on behalf of [REDACTED]

ENTERED this 18th day of September 2024.

Tara B. Thompson, MLS
State Hearing Officer