



September 17, 2024

[REDACTED]

RE: [REDACTED] v. DoHS/BFA
ACTION NO.: 24-BOR-2988

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 assure 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,

Kristi Logan
Certified State Hearing Officer
Member, State Board of Review

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

cc: Leslie Gilbert, [REDACTED] DoHS

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

[REDACTED]

Appellant,

v.

Action Number: 24-BOR-2988

**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 10, 2024.

The matter before the Hearing Officer arises from the August 5, 2024, decision by the Respondent to deny the Appellant's applications for School Clothing Allowance benefits.

At the hearing, the Respondent appeared by Leslie Gilbert, [REDACTED] DoHS. The Appellant represented herself. The witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Application for School Clothing Allowance received August 1, 2024 [REDACTED]
- D-3 Application for School Clothing Allowance received August 1, 2024 [REDACTED]
- D-4 West Virginia Income Maintenance Manual §19.3.1.D
- D-5 West Virginia Income Maintenance Manual §19.3.1.J
- D-6 Notice of Denial dated August 5, 2024 [REDACTED]
- D-7 Notice of Denial dated August 5, 2024 [REDACTED]
- D-8 Email Correspondence from [REDACTED] to Leslie Gilbert dated August 20, 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 for her [REDACTED]
- 2) The SCA applications were date-stamped as received by the [REDACTED] DoHS on August 1, 2024 (Exhibits D-2 and D-3).
- 3) The SCA applications included a hand-written date of 8/1 with the initials [REDACTED] (Exhibits D-2 and D-3).
- 4) The Respondent issued a notice to the Appellant on August 5, 2024, advising that the SCA applications had been denied as the deadline to apply for SCA was July 31, 2024 (Exhibits D-6 and D-7).

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 19 explains School Clothing Allowance eligibility requirements.

19.3.1 Application Process

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.

19.3.1.C Complete Application

The application is considered complete when the client signs a DFA-WVSC-1, DFA-2, or the Document for Protection of Application Date (DFA-5), which contains, at a minimum, his name and address. 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. If the client requests other programs of assistance on the DFA-2, please refer to those sections for the date of application.

19.3.1.D Date of Application

The date of the application is the date that the DFA-2 or DFA-WVSC-1 was submitted with at least the applicant's name and address, or the date the electronic signature is submitted in WV PATH. If the DFA-WVSC-1 is received by mail, the date of application is the date the form is postmarked or received. When the form is received prior to July 1 of the program year, it may not be processed in the eligibility system before July 1.

19.3.1.J Agency Time Limits

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

Policy stipulates that applications for SCA must be received during the month of July of each program year. SCA applications received after July 31 will be denied. The Respondent denied the Appellant's applications for SCA as they were received after July 31, 2024.

The Respondent contended that the Appellant's applications were received on August 1, 2024, as indicated by the date-stamp documenting the date they were received. The Respondent provided a statement from [REDACTED] the receptionist who accepted the SCA applications from the Appellant, who confirmed that the SCA applications were submitted on August 1, 2024. [REDACTED] stated the office procedure is to handwrite the date the application was received and to place her initials by that date, in addition to applying the date-stamp.

The Appellant testified that she completed and signed the SCA applications on July 30, 2024, and delivered the applications to the receptionist of the [REDACTED] DoHS office on July 31, 2024. The Appellant purported that the receptionist she gave the SCA applications to was a different individual than who accepted the August 20, 2024, hearing request she submitted in person.

Based on the preponderance of the evidence, the Appellant's SCA applications were received after the close of the 2024 SCA program as documented by the August 1, 2024, date-stamp and handwritten received date. The Appellant was unable to provide contradictory evidence to support her claim that the applications were submitted July 31, 2024.

Whereas the Appellant failed to submit the SCA applications before the 2024 SCA program deadline, the Respondent's decision to deny the applications is affirmed.

CONCLUSIONS OF LAW

- 1) Applications for SCA must be received by July 31 of each program year.
- 2) SCA applications received after July 31 of the program year will be denied.
- 3) The Appellant submitted two SCA applications for her granddaughters on August 1, 2024.
- 4) The Respondent acted in accordance with policy in the denial of the Appellant's SCA applications.

DECISION

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

ENTERED this 17th day of September 2024.

Kristi Logan
Certified State Hearing Officer