



March 12, 2025

REMOVED

RE: **REMOVED** v. DoHS/BFA
ACTION NO.:25-BOR-1354

Dear **REMOVED**

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: Angela Mitchem, **REMOVED** County DoHS

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

REMOVED

Appellant,

v.

Action Number: 25-BOR-1354

**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 **REMOVED**. 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 March 11, 2025.

The matter before the Hearing Officer arises from the January 6, 2025, decision by the Respondent to deny Low Income Energy Assistance Program (LIEAP) benefits.

At the hearing, the Respondent appeared by Angela Mitchem, **REMOVED** County DoHS. The Appellant appeared *pro se*. The 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 was a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) The Appellant applied for LIEAP benefits on December 3, 2024.
- 3) The Respondent sent a verification checklist to the Appellant on December 18, 2024, requesting verification of his self-employment income be provided by January 2, 2025.
- 4) The Respondent sent a notice to the Appellant on January 6, 2025, advising that his application for LIEAP had been denied for failure to provide income verification.
- 5) The Appellant's SNAP benefits were terminated effective January 31, 2025, for failure to provide income verification.
- 6) Verification of the Appellant's self-employment income was received on January 27, 2025.
- 7) The Appellant's SNAP benefits were reinstated but the LIEAP application was not approved.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 21 explains LIEAP eligibility:

21.3.1.A Income

The total monthly gross income of the assistance group (AG) must not be more than the maximum allowable gross income amounts in the chart in Chapter 4, Appendix A. No income deductions or disregards apply, except in the determination of gross profit for self-employment. When the gross monthly income of the AG exceeds the maximum allowable income amounts, the group is ineligible for LIEAP, and the application is denied.

21.3.1.A.1 Determining the Month Income is Counted

Income received or expected to be received during the month of application is used to determine eligibility.

21.3.1.G Time Limits

Action must be taken to approve or deny a Regular LIEAP application within 30 days of the date it is received for processing by the Department of Human Services (DoHS). Verification is due within 15 days of the date the information is requested.

21.4.12.A Pending Regular LIEAP Applications

Regular LIEAP clients must be allowed 15 calendar days to respond to requests from the Worker for additional information. Failure to respond results in denial of the application.

The Worker must notify the client of the eligibility decision within 30 days of the date of application.

NOTE: Workers may deny an application after expiration of the verification due date when the information is not received. If the client returns the information within 30 days of the application date, the benefit may be approved without a new application. After 30 days, the client must reapply.

21.4.9.A Income

Income from all sources for the AG must be verified when the client indicates a source of income for any AG member. Although documentation should include earnings from the month of application, the Worker may use paycheck stubs and other documents showing earnings during the month prior to the month of application, provided the client indicates no change is expected. No verification from an earlier period is used.

DISCUSSION

Policy stipulates that the income received or expected to be received during the month of the LIEAP application is used to determine eligibility. The Worker may use paycheck stubs and other documents showing income during the month prior to the month of application, provided the client indicates no change is expected. No verification from an earlier period is used.

The Appellant's self-employment income was verified in September 2024 for another program benefit. The Respondent sent a verification checklist to the Appellant on December 18, 2024, requesting documentation of his self-employment earnings for the previous three months. The Appellant's LIEAP application was denied on January 3, 2025, when verification of the Appellant's income had not been received by the due date of January 2 as indicated on the verification checklist.

The Appellant contended that he submitted verification of his self-employment income and a copy of his electric bill with the LIEAP application. The Appellant testified that he did not receive the verification checklist, only the notice of denial. The Appellant visited the **REMOVED** County DoHS office on January 27, 2025, and was advised by the Respondent the reason for the denial and that verification of his self-employment was still needed. The Appellant provided the requested verification the same date, however, the Appellant claimed no one told him the time frame had elapsed for the LIEAP application to be approved.

Angela Mitchem, witness for the Respondent, testified that verification of the Appellant's self-employment was not received until January 27, 2025, over 30 days from the date of the LIEAP application. Ms. Mitchem stated only a copy of the Appellant's electric bill was submitted with the December 3, 2024, LIEAP application. Ms. Mitchem noted that verification of the Appellant's income was needed to reopen his SNAP benefits, regardless of the status of his LIEAP application. Whereas the Appellant failed to provide the required verification within 30 days of the date of application, the Respondent acted in accordance with policy in the denial of LIEAP benefits.

CONCLUSIONS OF LAW

- 1) When there is insufficient information to make an eligibility determination, a verification checklist is sent to the applicant stating what information is needed and the date the information is to be returned.
- 2) The Respondent requested that the Appellant provide verification of his self-employment income by January 2, 2025.
- 3) The Appellant's application was denied on January 3, 2025, when the requested information had not been received.
- 4) The Appellant submitted verification of his income to the Respondent on January 27, 2025, over 30 days from the date of application.
- 5) The Respondent's decision to deny the Appellant's LIEAP application is affirmed.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to deny the Appellant's Low Income Energy Assistance Program benefits.

ENTERED this 12th day of March 2025.

Kristi Logan
Certified State Hearing Officer