



March 12, 2025

REMOVED

RE: **REMOVED** v. DoHS/BFA
ACTION NO.:25-BOR-1411

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: Rena Lawless, **REMOVED** County DoHS

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

REMOVED

Appellant,

v.

Action Number: 25-BOR-1411

**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 12, 2025.

The matter before the Hearing Officer arises from the January 2, 2025, decision by the Respondent to deny the Appellant's application for Low Income Energy Assistance Program (LIEAP) benefits.

At the hearing, the Respondent appeared by Rena Lawless, **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 applied for LIEAP benefits on December 10, 2024.
- 2) The Respondent requested paystubs for the Appellant's husband, verification of household composition and a copy of the natural gas bill to be returned by December 27, 2024.
- 3) The Appellant submitted the gas bill, verification of household composition and a pay summary of her husband's earnings to the Respondent on December 26, 2024.
- 4) The pay summary did not include the employer's or employee's name.
- 5) The Respondent issued a notice to the Appellant on January 2, 2025, advising that the application for LIEAP benefits had been denied for failure to provide the requested verifications.
- 6) The Appellant contacted the Respondent on January 28, 2025, and was advised that the pay summary was insufficient verification as it did not include identifying information for the employer or employee.
- 7) The Appellant provided her husband's paystubs to the Respondent on January 31, 2025.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 21 explains LIEAP eligibility:

21.4.9 Verification

Verification is the process of documenting statements and information provided by the client. Although specific guidelines for verifying certain eligibility criteria are indicated below, the Worker may request verification of any information provided by the client in determining eligibility for LIEAP benefits. The responsibility of the client in the eligibility determination process includes the effort to obtain required verifications. ***The Worker must decide when and what information must be verified or when additional information must be obtained, particularly when information provided by the client is questionable or more information is needed to complete the eligibility determination or payment process.*** Failure or refusal on the part of the client to obtain verification when required or requested by the Worker as outlined in the instructions below will result in a denial of the application.

21.4.9.A Income

Income from all sources for the assistance group (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.

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.

West Virginia Income Maintenance Manual Chapter 1 explains the application process:

1.3.1.A.3 Request for Information and/or Verification Checklist DFA-6

When the Worker does not have sufficient information to make a decision, it is necessary to complete form DFA-6 or verification checklist to inform the applicant of the additional information needed. All requests for verification must be made using the DFA-6 form and/or verification checklist. *The Worker must clearly state on the form what items must be returned by the applicant, as well as the date by which the information must be returned.* The applicant's failure to return information or the return of incomplete or incorrect information that prevents a decision from being made on the application will be considered failure to provide verification and will result in a denial of the application.

DISCUSSION

Policy allows 15 calendar days for LIEAP applicants to respond to requests for verification. Failure to provide the requested verification results in the denial of the application. If the verification is submitted after 15 days but within 30 days of the date of the LIEAP application, the application may be approved. The Respondent denied the Appellant's application when she failed to provide the requested information within 30 days of the date of application.

Rena Lawless, witness for the Respondent, testified that the pay summary received for the Appellant's husband did not include his or the employer's name therefore could not be used to determine eligibility. Ms. Lawless stated the Appellant did not submit her husband's actual paystubs until January 31, 2025, over 30 days from the date of the LIEAP application. It should be noted that Ms. Lawless confirmed that the pay summary submitted on December 26, 2024, listed the same gross pay amounts and the same check dates as the paystubs received on January 31, 2025.

The Appellant conceded that the pay summary did not include her husband's name but was she not aware of the actual reason for denial until she spoke with her caseworker on January 28, 2025. The Appellant credibly testified that she called her caseworker multiple times to determine what information was needed for the approval of LIEAP benefits. The Appellant assert that had her caseworker returned her initial phone calls, the information could have been provided within the

30-day timeframe.

Policy stipulates that when the Worker does not have sufficient information to make a decision, it is necessary to complete a verification checklist to inform the applicant of the additional information needed. The Worker decides when and what information must be verified or when additional information must be obtained, particularly when information provided by the client is questionable or more information is needed to complete the eligibility determination or payment process. If the pay summary submitted by the Appellant was deemed insufficient to determine eligibility, the Respondent was required to determine what additional information was needed and provide the Appellant with the opportunity to provide the additional information within the 30-day timeframe.

LIEAP is a time-limited program and dependent on the availability of federal funds and is subject to closure without prior notice when funds have been exhausted. The Respondent's failure to request additional information needed to determine eligibility until after the 30-day time frame had expired prevented the Appellant from reapplying for LIEAP benefits prior to the closure of the program.

Whereas the Respondent failed to request additional information needed to determine eligibility for LIEAP benefits prior to the expiration of the 30-day timeframe and prior to the closure of the program, the Respondent's denial cannot be affirmed.

CONCLUSIONS OF LAW

- 1) It is the responsibility of the Respondent caseworker to decide when and what information must be verified or when additional information must be obtained, particularly when more information is needed to complete the eligibility determination or payment process.
- 2) The Respondent determined that the income verification provided by the Appellant was insufficient to determine eligibility for LIEAP.
- 3) The Respondent did not notify the Appellant of the additional information that was needed until after the 30-day time limit had expired and the program had ended.
- 4) The Respondent's denial of the Appellant's application for LIEAP cannot be upheld.

DECISION

It is the decision of the State Hearing Officer to **reverse** the decision of the Respondent to deny the Appellant's application for Low Income Energy Assistance Program benefits. The matter is **remanded** for a determination of eligibility based on the income verification that was provided.

ENTERED this 12th day of March 2025.

Kristi Logan
Certified State Hearing Officer