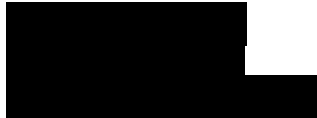




April 3, 2025



RE: [REDACTED] v. WVDoHS
ACTION NO.: 25-BOR-1579

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,

Eric L. Phillips
State Hearing Officer
Member, State Board of Review

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

cc: Christi Goff, BFA

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

████████████████████,

Appellant,

v.

Action Number: 25-BOR-1579

**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 ██████████. 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 April 2, 2025, on an appeal filed March 6, 2025.

The matter before the Hearing Officer arises from the January 30, 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 Christi Goff, Economic Service Worker. The Appellant appeared pro se. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

D-1 Hearing Request
D-2 Notice of Decision
D-3 Application for LIEAP dated November 25, 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) On November 25, 2024, the Appellant applied for LIEAP benefits with the Respondent. (Exhibit D-3)
- 2) The Appellant identified her main heating source as liquefied gas. (Exhibit D-3)
- 3) The Appellant indicated that electricity was not her main heating source on the application. (Exhibit D-3)
- 4) On January 9, 2025, the Respondent requested verification of the Appellant's electric bill to complete her LIEAP application.
- 5) The Appellant failed to provide the electric bill.
- 6) On January 30, 2025, the Respondent issued a Notice of Decision (Exhibit D-2) advising the Appellant of the denial of her LIEAP application because she failed to provide all requested information.
- 7) On March 6, 2025, the Appellant requested a hearing on the denial of LIEAP benefits.

APPLICABLE POLICY

West Virginia Income Maintenance Manual § 21.3.1 documents:

Eligibility for Regular LIEAP is based on a number of factors, including income, assistance group (AG) size, vulnerability to the cost of home heating, residence, and citizenship.

West Virginia Income Maintenance Manual § 21.3.1.C documents:

In order to qualify for a LIEAP payment, an AG must be determined vulnerable or partially vulnerable to the cost of home heating.

West Virginia Income Maintenance Manual § 21.3.1.C.1 documents:

Vulnerable AGs are those which must pay the primary heating cost for the home in which they reside. The expense for heating must be billed separately from the rent or mortgage payment of the residence, even if the AG combines these payments. When payments are combined, the amount billed for the heating cost must be stated on a rent receipt, lease, or other documentation.

West Virginia Income Maintenance Manual § 21.3.1.F documents in part:

The customer must provide a copy of their electric bill, the bill of their main heating source and the name of their heating vendor at the time of application or within 15 calendar days following the date the information is requested.

West Virginia Income Maintenance Manual § 21.3.1.G documents:

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.

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

West Virginia Income Maintenance Manual § 21.4.7.B documents:

The client circles the correct number which applies to his circumstances. Item F of the DFA-LIEAP-1 must be completed, regardless of whether or not the client's home heating supplier is a Public Service Commission (PSC)-regulated utility or a bulk fuel supplier. The client must provide information for their primary heating and electric source. A LIEAP client may indicate a different primary source of home heating from the source indicated on previous applications. When this occurs, the Worker must carefully review the reasons for the change. If the client is changing heat sources to avoid payment of a home heating bill that exceeds the amount of the Regular LIEAP payment, the LIEAP application must be denied. Otherwise, the difference may result from a change in residence, with the home heating bill at the old residence settled, or a change in the heating source at the same residence. In these situations, the change is permitted.

Item E of the DFA-LIEAP-1 must be completed and a copy of the bill or a current receipt or invoice must be attached. Failure to supply this information will result in denial of the application.

Item F of the DFA-LIEAP-1 must be completed for data collection purposes. If the client does not complete this section, the Worker must attempt to collect this data. The Worker is required to record in case comments all actions taken to collect this data.

West Virginia Income Maintenance Manual § 21.4.9 documents:

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. However, if the client is unsuccessful in his attempt to obtain the verification or if he has physical or mental impairments which limit his ability to perform this responsibility and he has no family members or other persons who will help him, the Worker will assist the client to obtain the verification. 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.

This account number must be entered on the application unless the client can demonstrate that other circumstances exist (i.e., home heating costs are paid to the landlord).

Bulk fuel users must submit a signed and dated bill from the bulk fuel vendor which indicates that a delivery was or will be made. When such verification cannot be provided, the client must submit the name, address or telephone number of a vendor who can verify that fuel deliveries have been made in the past or will be made for the current winter season. The Worker must obtain written verification of all other arrangements not referred to above. Statements must be dated and signed. Otherwise, the decision to verify vulnerability is at the Worker's discretion. In some instances, it will be necessary for the LIEAP Supervisor or Worker to contact managers of public housing authorities in their areas to determine if the tenants are vulnerable or invulnerable to the cost of home heating. A screening procedure must be established with the Housing Authority to verify whether or not certain clients live in public housing. The housing authority managers should be informed that the client signs a release (item C in section III of the LIEAP application) which protects them from violating confidentiality.

DISCUSSION

On January 30, 2025, the Respondent denied the Appellant's application for LIEAP benefits due to her failure to provide requested verifications. The Appellant appeals the decision disputing the receipt of notification of the requested verifications. The Respondent must prove by a preponderance of the evidence that it correctly denied the Appellant's application.

On November 25, 2024, the Appellant applied for LIEAP benefits citing a primary source of heat liquified gas or bulk fuel. The Respondent processed the application on January 9, 2025, requesting verification of the Appellant's electric bill to determine her eligibility for the program. Christi Goff, Economic Service Worker, testified that a verification checklist was issued the Appellant requesting verification of the Appellant's electric bill. The Appellant failed to provide the electric bill, resulting in the denial of the application. On January 30, 2025, the Respondent issued notice (Exhibit D-2) to the Appellant advising her of the application denial due to her failure to provide all requested information.

The Appellant disputes the receipt of notification from the Respondent requesting the additional verification. Additionally, the Appellant opines that the Respondent failed to process her application timely.

Verification: The Appellant denies receiving the January 9, 2025 verification checklist. The Appellant purports that she satisfied her application for LIEAP benefits when she provided the account number of her fuel supplier and information concerning her electric bill should not be required. Ms. Goff rebutted that both the applicant's electric bill and main heating source bill must be provided with the LIEAP application. Ms. Goff noted that the application for LIEAP benefits (Exhibit D-3) indicates *"please provide your electric bill and your main heating source bill with this application. If electricity is your main heat source, you will only need to provide the electric bill; otherwise please provide both."*

Policy requires an applicant provide a copy of their electric bill, the bill of their main heating source and the name of their heating vendor at the time of application or within 15 days following the date the information is requested. Additionally, policy requires that verifications are due within 15 days of the date the information is requested. The Appellant denies the receipt of any notification requesting additional information but acknowledged receipt of January 30, 2025 denial notices.

The Respondent contends that a "free form" notice was issued to the Appellant on January 9, 2025. Included in the hearing request were three documents; a written statement from the Appellant, the corresponding denial notice, and the LIEAP application. The Respondent failed to provide evidence to demonstrate that a notice was issued requesting additional verification. Policy requires that verifications are due within 15 days from the date requested. However, information contained in the Supplemental LIEAP Form, included with the application for LIEAP benefits (Exhibit D-3) notes that "incomplete applications will be denied unless applicant supplies missing information within 10 days or worker is able to obtain the information within the 10-day period." Because the Respondent failed to provide evidence concerning the verification request, the Hearing Officer is unable to determine the timeframe in which the Respondent required additional information to be submitted to make a proper eligibility determination. Because the Respondent failed to provide this information, it did not prove by a preponderance of the evidence that it correctly denied the Appellant's application for LIEAP benefits.

Agency Delay-The Appellant indicated that the Respondent did not request additional information until 5 weeks after application submission; therefore, the Respondent did not process her application timely. The Appellant indicated that if the Respondent required additional information they could have provided a call to her requesting the information to complete the application.

Policy requires that action must be taken to approve or deny a regular LIEAP application within 30 days of the date which it is received for processing by the Department of Human Services. Verification is due within 15 days of the date the information is requested. Policy notes that an application may be denied after the expiration of the verification due date when the information is not received. If the applicant 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. The Appellant completed an application for LIEAP benefits on November 25, 2024, and would have

been able to supply additional information without a new application until December 24, 2024. The Respondent did not request additional information until January 9, 2025, after the expiration of the Appellant's thirty days and denied the Appellant's application outside of the thirty-day window. Based on an evidentiary review, the Respondent failed to render a timely decision within the thirty-day timeframe allowed by policy.

CONCLUSIONS OF LAW

- 1) Applicants for LIEAP must provide a copy of their electric bill, the bill of their main heating source and the name of their heating vendor at the time of application or within 15 calendar days following the date the information is requested.
- 2) The Appellant applied for LIEAP benefits indicating liquified gas as her primary source of heat but did not supply information concerning her electric bill.
- 3) The Respondent requested additional information from the Appellant concerning her electric bill to determine her eligibility for the program.
- 4) The Respondent failed to demonstrate that it properly requested additional information from the Appellant and that it adhered to verification timelines.
- 5) Decisions regarding LIEAP eligibility must be rendered within 30 days from the date of receipt.
- 6) The Appellant applied for LIEAP benefits on November 25, 2024, a decision was not issued to the Appellant until January 30, 2025.
- 7) The Respondent failed to process the Appellant's application for LIEAP benefits timely.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the decision of the Respondent to deny the Appellant's application for LIEAP benefits.

This matter is **REMANDED** to the Respondent for issuance of a proper verification checklist concerning additional information requested to process the Appellant's application.

ENTERED this ____ day of April 2025.

Eric L. Phillips
State Hearing Officer