



August 7, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS
ACTION NO.: 25-BOR-2265

Dear Mr. [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 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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

cc: Carla Marsh, WV DoHS

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

[REDACTED] **FOR** [REDACTED] **(DECEASED),**

Appellant,

v.

Action Number: 25-BOR-2265

**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 West Virginia Office of Inspector General Common Chapters Manual. This fair hearing was convened on July 29, 2025. The fair hearing was originally scheduled for July 9, 2025, but was continued at the request of the Appellant's representative.

The matter before the Hearing Officer arises from the Respondent's decision to deny Indigent Burial Program benefits as outlined in a notice dated December 13, 2024.

At the hearing, the Respondent appeared by Carla Marsh, Economic Service Worker Senior, WV DoHS. The Appellant is deceased and was represented by his son, [REDACTED]. Appearing as a witness for the Appellant was [REDACTED], stepmother of [REDACTED]. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Burial Billing Form
- D-2 Application for Burial Benefits dated December 9, 2024, and Affidavit of Responsible Relative
- D-3 Request for Information dated December 10, 2024
- D-4 Indigent Burial Program Denial of Application notice dated December 13, 2024
- D-5 West Virginia Income Maintenance Manual Chapter 20.3

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) [REDACTED] applied for Indigent Burial Program benefits for his deceased father, [REDACTED], on December 9, 2024 (Exhibit D-2).
- 2) As part of the application process, [REDACTED] signed an Affidavit of Responsible Relative, attesting that his financial situation did not permit him to pay any amount toward the maximum allowable burial payment (\$2,200) permitted by the Respondent (Exhibit D-2).
- 3) The Respondent issued a Request for Information dated December 10, 2024, requesting verification of all pay stubs received by [REDACTED] in the month of November 2024 (Exhibit D-3).
- 4) The Request for Information states that the documentation must be provided to the Respondent by December 13, 2024, or the Burial Program application would be denied (Exhibit D-3).
- 5) The Respondent has a standard practice of providing Requests for Information to Burial Program applicants at the time of application due to the three-day time limit established for the return of additional documentation.
- 6) The requested pay stubs were not provided to the Respondent by December 13, 2024.
- 7) The Respondent sent a Denial of Application notice to the Appellant on December 13, 2024, informing him that the Indigent Burial Program application was denied because the requested verification was not provided (Exhibit D-4).
- 8) The Denial of Application notice was mailed to [REDACTED] known address, [REDACTED] (Exhibits D-2 and D-4).
- 9) [REDACTED] filed a fair hearing request to protest the denial of the application on June 18, 2025. Although the hearing request was filed more than 90 days from the effective date of the denial, a hearing was granted in the absence of documentation verifying that fair hearing rights had been provided with the denial notice.
- 10) The Denial of Application notice did not contain contact information for Legal Aid of West Virginia as required by policy.

- 11) A continuance was granted to [REDACTED] on July 9, 2025, so that he could consult with Legal Aid of West Virginia regarding the application denial.
- 12) At the time of his death, [REDACTED] had gross income of \$600 per week (\$2,580 per month as computed by multiplying \$600 by the weekly income multiplier of 4.3).

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 20.3.2.B states that resources of the deceased shall consist of readily available liquid assets such as, but not limited to, life insurance policies, burial trust funds, cash, checking and/or savings accounts, certificates of deposit, etc.

The worker must verify the availability of these liquid assets prior to approval of the burial application. If the information is not known by the responsible relative it must be explained to the responsible relative they are attesting there are not sufficient resources by signing the DFA-67-A and DFA-BU-1, and that a claim will be placed against the estate of the deceased.

If the applicant indicates that, for an adult burial, the deceased had at least \$2,200 in available resources, the worker must find the application ineligible for benefits. The income limit for the deceased must not have been more than 133% of the Federal Poverty Level (FPL). The income verification would just be for the deceased if the applicant is not a responsible relative. The income counted would be for the 30 days prior to the date of death. The SNAP budgeting rules would be followed for counting the deceased's income.

DISCUSSION

Indigent Burial Program policy states that resources of the deceased shall consist of readily available liquid assets such as, but not limited to, life insurance policies, burial trust funds, cash, checking and/or savings accounts, certificates of deposit, etc. The income limit for the deceased must not have been more than 133% of the Federal Poverty Level. The income counted would be for the 30 days prior to the date of death.

The Respondent's representative, Economic Service Worker Senior Carla Marsh, testified that the Appellant's application was denied because [REDACTED] income for the past 30 days prior to his date of death was not verified. Ms. Marsh stated that Requests for Information for Burial Program benefits are typically hand-distributed to the applicant at the time of application and the requested verification is required to be submitted within three days.

[REDACTED] testified that he did not receive a Request for Information or the application denial notice from the Respondent. [REDACTED], [REDACTED] stepmother, testified that she was present during the Burial Program application, that the deceased's pay verification was available at that time, and that she believes the information was provided to the Respondent. Mr. [REDACTED] and Ms. [REDACTED] indicated that they were in the process of moving from their [REDACTED]

address in December 2024 because they could not afford to live at the location without [REDACTED] income. Ms. [REDACTED] stated that she resided at the [REDACTED] address until the first week of January 2025 and both she and [REDACTED] were at the address around December 13, 2024 (the date the denial notice was sent). Mr. [REDACTED] and Ms. [REDACTED] contended that they did not learn of the application denial until March 2025 when the funeral home received the denial letter and forwarded it to Ms. [REDACTED].

Ms. Marsh's testimony that the Request for Verification was provided to the parties at the time of application is credible due to the brief timeframe (three days) given for the return of documentation to the Respondent. It is unreasonable to believe that a Request for Verification would be given to an applicant for information that was already provided to the Department. Mr. [REDACTED] and Ms. [REDACTED] were still residing at the [REDACTED] address on December 13, 2024, when the denial notice was sent, and Ms. [REDACTED] indicated that she was at the address until the first week of January 2025. There was no indication that the notices were returned to the Respondent as undeliverable.

Based on information provided during the hearing, the Respondent's decision to deny benefits under the Indigent Burial Program is affirmed.

CONCLUSIONS OF LAW

- 1) [REDACTED] completed an Indigent Burial Program application for his deceased father, [REDACTED], on December 9, 2024, and was required to verify his late father's income by December 13, 2024.
- 2) The requested income verification was not provided by December 13, 2024.
- 3) The Respondent acted correctly in denying the Appellant's Burial Program application based on failure to verify income.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to deny the Appellant's application for Indigent Burial Program benefits.

ENTERED this 7th day of August 2025.

**Pamela L. Hinzman
State Hearing Officer**