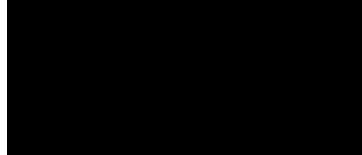




March 5, 2026



RE: [REDACTED] v. WVDoHS
ACTION No.: 26-BOR-1305



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,

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

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

cc: Richard Griffey, BFA

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

[REDACTED]

Appellant,

v.

Action Number: 26-BOR-1305

**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 March 4, 2026, on an appeal filed with the Board of Review on February 17, 2026.

The matter before the Hearing Officer arises from whether the Respondent denied the Appellant's right to apply for the Low-Income Energy Assistance Program. (LIEAP)

At the hearing, the Respondent appeared by Richard Griffey, Economic Service Supervisor. The Appellant was self-represented. Appearing as a witness for the Appellant was [REDACTED]. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Low-Income Energy Assistance Program dated January 4, 2026
- D-2 Case Comments dated February 12, 2026
- D-3 Client Notices Summary
- D-4 Internal Investigation from Mingo/Logan Department of Human Services dated

Appellant's Exhibits:

- A-1 Low-Income Energy Assistance Program (Duplicate) dated January 4, 2026
- A-2 Hearing Summary Rebuttal

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 LIEAP benefits for the 2025 heating season.
- 2) On January 4, 2026, the Department mailed the Appellant an outreach application for LIEAP benefits through a mass mail-out.
- 3) The Department did not receive the Appellant's LIEAP application for the 2026 heating season.
- 4) On February 2, 2026, the Department issued a duplicate copy of the LIEAP application to the Appellant.
- 5) The open intake season for LIEAP ended February 9, 2026.
- 6) On February 12, 2026, the Appellant inquired about his LIEAP application but failed to submit a secondary application. (Exhibit D-2)
- 7) The Department completed an internal investigation regarding the LIEAP application, but the investigation did not yield a submitted LIEAP application on the behalf of the Appellant. (Exhibit D-4)

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 21.4.1 documents:

The LIEAP mail-out contains an application form (DFA-LIEAP-1), an instruction sheet (DFALIEAP-1a). It is mailed to any household which received LIEAP during the previous LIEAP season. These applications are mailed prior to the program start date. The client may choose to return the completed form and information by mail or complete it online by use of West Virginia WV PATH.

The process below outlines guidelines for submitting the application through WV PATH:

- The client receives certain information in the mail-out which must be entered online in order to complete the WV PATH process.
- WV PATH brings current basic demographic information from the eligibility system into the online application.

- No signature page is required, and the application is considered electronically signed when the client uses this process and enters information from the letter and other requested identifying information.
- The online process is available for use through the end of the Regular LIEAP season.
- When an application is received through WV PATH, the signature and identity is considered verified. The application is considered complete when all verification is received, in addition to the electronically signed application.

West Virginia Income Maintenance Manual 24.4.3 documents:

During the annual open application intake period, clients who did not receive a LIEAP mail-out application may apply for LIEAP at their local DOHS office or at any of the outreach location listed above. The application is also available and may be completed through WV PATH.

West Virginia Income Maintenance Manual 24.4.5 documents:

The Worker's responsibilities are to:

- Process the application in the eligibility system;
- Determine if case has previous unpaid repayment;
- Determine eligibility;
- Determine the amount of the payment; and,
- Notify the client of the action taken.

When the Low-Income Energy Assistance Program (LIEAP) client wishes to apply for another program in addition to LIEAP, the DFA-2 may be used instead of the DFA-LIEAP-1 form to prevent the need to complete two application forms. Otherwise, the DFA-LIEAP-1 must be completed for all LIEAP clients.

In order to maintain controls for receiving, processing and completing follow-up on application to ensure checks are issued, the local office must retain a LIEAP application register or log that indicates, at a minimum, the client's name, how and when the application was received (e.g., mail, office visit or from another agency) and if the application is for Regular or Emergency LIEAP. The DFA-LIEAP-6 form may be used for this purpose.

West Virginia Income Maintenance Manual 1.2.1.A documents:

In addition to addressing all questions and concerns the client may have, the Worker must explain the benefits of each program and inform the client of his right to apply for any or all of them.

No person is denied the right to apply for any Program administered by the Division of Family Assistance (DFA) or the Bureau for Medical Services (BMS). Every

person must be afforded the opportunity to apply for all Programs on the date he expresses his interest.

Certain programs, such as Children with Disabilities Community Service Program (CDCSP), Intellectual and Developmental Disabilities (I/DD) Waiver, Aged and Disabled Waiver (ADW) and Traumatic Brain Injury (TBI) Waiver, require a medical and/or other determination by a community agency or government division other than the DFA and a financial determination by an Income Maintenance Worker. When an applicant's medical eligibility for, or enrollment in, such programs is pending, he must not be refused the right to apply, but must be evaluated for any or all Department programs.

When it is not feasible for the applicant to be interviewed, if an interview is required or requested, on the date he expresses his interest, he must be allowed to complete the process at a later date. An appointment may be scheduled for his return, or the client may return at his convenience, depending upon the procedure established by the Community Services Manager (CSM). The same procedure must be used for all applicants within the county. If a follow-up appointment is scheduled and the applicant appears for the interview at the scheduled time, he must be seen on that day and not be required to return again to complete the application process.

DISCUSSION

On February 17, 2026, the Appellant requested this appeal contesting the denial of his application for the Low-Income Energy Assistance Program (LIEAP). The Respondent must prove by a preponderance of the evidence that it was correct in its decision to deny the Appellant's application for LIEAP benefits.

The Appellant, who was a recipient of LIEAP benefits for the 2025 heating season, was offered a mass mailed LIEAP application on January 4, 2026. The Appellant maintains he submitted the LIEAP application in January 2026, in the local office drop-off box. The Respondent could not locate the application; therefore, it did not process the Appellant's application for LIEAP benefits.

The open intake period for LIEAP benefits ended on February 9, 2026. On February 2, 2026, the Appellant inquired about the LIEAP application and was informed that no application had been received. The Department issued a duplicate copy of the application on the same date. (Exhibit D-3) The Appellant made additional contact with the Department on February 12, 2026, regarding his submitted application and was informed that the Department had received no LIEAP applications to date. On the same date, the Appellant had a duplicate application in his possession but failed to submit it for an eligibility review. The Department investigated the Appellant's claim of the missing application through an internal investigation (Exhibit D-4). Information in the internal investigation noted that the Appellant allegedly dropped off the LIEAP application on February 7, 2026. The Department's investigation process included a review of the drop box, intake logs, application storage and shred bins. The Department's investigation yielded no LIEAP application for the Appellant and the Department concluded that the LIEAP application was

unaccounted.

The Appellant maintains that he provided the LIEAP application in the Department's drop off box on January 7, 2026 or January 12, 2026. The Appellant disputed the Department's claims that he was provided a copy of the internal investigation (Exhibit D-4) and his failure to turn in an application on February 12, 2026. The Appellant contends that the second application was not submitted because the program had ended. The Appellant related concerns that his Social Security Number was on the application which is now lost. Additionally, the Appellant related testimony indicating the Department's failure to process his application creates an undue financial burden on his household. The Appellant provided a witness who purported that the Appellant placed his application in the drop box but did not provide information on a specific date.

Governing policy mandates that no person is denied the right to apply for any program administered by the Division of Family Assistance. The Department issued the Appellant an application for LIEAP benefits on two separate occasions, which neither were submitted for an eligibility determination. The Department provided evidence to demonstrate that they exercised their due diligence in attempting to locate the application, but their efforts yielded no results. While the Appellant maintains that he submitted the application, the Appellant failed to provide evidence documenting the submission of his application. Furthermore, the Appellant provided conflicting dates of the application submission from what was reported to the Department. The Appellant averred he submitted the application in January 2026, but he reported to the Department that the application was submitted in February 2026. Additionally, at a February 12, 2026 office visit, the Appellant presented a secondary copy of the LIEAP application but failed to submit it for an eligibility determination due to the termination of program intake.

Based on an evidentiary review, the Respondent did not deny the Appellant's right to apply for LIEAP benefits. Therefore, the Respondent's decision to not determine the Appellant's eligibility for LIEAP benefits is affirmed.

CONCLUSIONS OF LAW

- 1) Governing policy mandates no person is denied the right to apply for any programs administered by the Division of Family Assistance.
- 2) Evidence demonstrates that the Appellant issued a mass mail out LIEAP application and a secondary application during the open intake period for LIEAP.
- 3) Evidence demonstrates that the Appellant failed to apply for the LIEAP during the open eligibility period.
- 4) Evidence demonstrates that the Department did not deny the Appellant's right to apply for LIEAP benefits.

DECISION

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

ENTERED this _____ day of March 2026.

Eric L. Phillips
Certified State Hearing Officer