



March 5, 2026



RE: [REDACTED] v. WV DoHS
ACTION NO.: 26-BOR-1317

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 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: Heather Perry, WV DoHS

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

[REDACTED]
Appellant,

v.

Action Number: 26-BOR-1317

**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 March 3, 2026.

The matter before the Hearing Officer arises from the Respondent's denial of Low Income Energy Assistance Program (LIEAP) benefits as outlined in a notice dated February 6, 2026.

At the hearing, the Respondent appeared by Heather Perry, Economic Services Supervisor, WV DoHS. The Appellant was self-represented. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 LIEAP application (first page) received by Respondent on February 3, 2026
- D-2 [REDACTED] Inc., Shipping Paper dated February 2, 2026
- D-3 Case Comments from Respondent's computer system
- D-4 West Virginia Income Maintenance Manual Chapters 21.3.1.C.1 and 21.3.1.C.2
- D-5 Shelter/Utility Expense Details page from Respondent's Supplemental Nutrition Assistance Program (SNAP) redetermination forms for August 2023, August 2024, and August 2025
- D-6 Notice of Decision dated February 6, 2026

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 Low Income Energy Assistance Program (LIEAP) benefits on February 3, 2026, listing herself and her two children in the home (Exhibit D-1).
- 2) The Appellant indicated on the application that she heated with liquified petroleum (LP) gas.
- 3) The Appellant provided an LP gas shipping statement from [REDACTED] Inc., dated February 2, 2026 (Exhibit D-2).
- 4) The LP gas statement names the customer as [REDACTED] (the Appellant's father-in-law), lists the Appellant's address, and shows a shipping date of February 27, 2026 (Exhibit D-2).
- 5) After receiving the LIEAP application, the Respondent reviewed the Appellant's case file, determining that the Appellant has reported since 2023 that her husband, [REDACTED] pays all of her shelter and utility expenses directly to the providers. The most recent report of that arrangement occurred during a Supplemental Nutrition Assistance Program (SNAP) redetermination on September 10, 2025 (Exhibits D-3 and D-5).
- 6) The Respondent determined that the Appellant was not vulnerable for the cost of home heating and denied the Appellant's LIEAP application.
- 7) The Respondent sent the Appellant a Notice of Decision on February 6, 2026 (Exhibit D-6).
- 8) The Appellant submitted a SNAP redetermination form to the Respondent on March 2, 2025, listing LP gas as a utility expense for which she is responsible.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 21.3.1.C states that in order to qualify for a LIEAP payment, an Assistance Group (AG) must be determined vulnerable or partially vulnerable to the cost of home heating/cooling.

West Virginia Income Maintenance Manual Chapter 21.3.1.C.2 defines vulnerable AGs:

Vulnerable AGs are those which must pay the primary heating/cooling cost for the home in which they reside. The residence must be in the form of a traditional dwelling. The expense for heating/cooling 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. AGs may also be considered vulnerable if there has been a documented increase in a rent or mortgage payment due to increased utility costs. The increase does not have to be permanent if the only reason for the increase is due to extreme weather changes that cause the AGs to use a large portion of utilities. Clients who are temporarily away from home for medical, educational, or employment purposes, and who still must pay a heating/cooling cost for the dwelling, are considered vulnerable. This includes nursing home residents who are still maintaining a home and have a heating/cooling cost. Vulnerability also exists when the AG must pay at least a part of the cost of home heating/cooling, whether they pay just part of the cost each month or alternate payments with a third-party.

West Virginia Income Maintenance Manual Chapter 21.3.1.C.3 defines invulnerable AGs:

Invulnerability means the AG has no home heating/cooling costs or is not responsible for payment of the heating/cooling cost. Clients who live in state institutions, hospitals and certain group living facilities, such as halfway houses and domestic violence centers, and those whose home heating costs are paid by a third-party, are considered invulnerable.

NOTE: Questions as to whether an AG is vulnerable or invulnerable should be directed to the State LIEAP Coordinator.

West Virginia Income Maintenance Manual Chapter 7.2.1 addresses verification requirements for Department programs:

Verification of a client's statement is required when:

- Policy requires routine verification of specific information.
- The information provided is questionable. To be questionable, it must be:
 - Inconsistent with other information provided; or
 - Inconsistent with the information in the case file; or
 - Inconsistent with information received by the Department of Human Services (DOHS) from other sources; or
 - Incomplete; or
 - Obviously inaccurate; or
 - Outdated.
- Past experience with the client reveals a pattern of providing incorrect information or withholding information. A case recording must substantiate the reason the Worker questions the client's statement.

- The client does not know the required information.

DISCUSSION

Policy defines vulnerable AGs, for LIEAP purposes, as those which must pay the primary heating/cooling cost for the home in which they reside. Verification of a client's statement is required when policy requires routine verification of specific information and the information provided is questionable and/or inconsistent with information in the case file.

The Respondent's representative testified that the Appellant's LIEAP application was denied because of the Appellant's consistent past reports that her husband paid all of her shelter and utility costs to the providers. Therefore, the Respondent determined that the Appellant was not vulnerable for the cost of home heating.

The Appellant testified that she erred by failing to report that she pays for LP gas on her previous redeterminations for Department programs because she considered LP gas as a lump sum purchase. The Appellant contended that her husband cannot afford to purchase LP gas for her home and that she paid for it when it was last purchased. She stated that her LP gas tank has not been filled in a couple of years, but that it is almost empty now. The Appellant indicated that the statement she provided from the LP gas company is an estimate of how much it will cost to fill her tank. She testified that she recently submitted her new SNAP redetermination form and listed LP gas as a utility expense on the form.

Since information on the Appellant's LIEAP application was inconsistent with documentation in her case file, the Respondent should have sought verification of the Appellant's contention of LIEAP vulnerability. No information was provided to suggest that the Appellant was afforded such an opportunity. Therefore, the Respondent's decision to deny the Appellant's LIEAP application cannot be affirmed.

CONCLUSIONS OF LAW

- 1) Verification of a client's statement is required when policy requires routine verification of specific information and the information provided is questionable and/or inconsistent with documentation in the case file.
- 2) Information on the Appellant's LIEAP application was inconsistent with documentation in the Respondent's case file and was, therefore, questionable.
- 3) The Appellant was not afforded an opportunity to verify that she pays for LP gas and is vulnerable for a home heating expense.
- 4) The Respondent's decision to deny LIEAP benefits cannot be affirmed.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's action to deny LIEAP benefits. The issue is **REMANDED** to the Respondent to seek verification of the Appellant's vulnerability for the cost of home heating.

ENTERED this 5th day of March 2026.

**Pamela L. Hinzman
State Hearing Officer**