



March 13, 2026



RE: [REDACTED] v. WV DoHS BFA  
ACTION NO.: 26-BOR-1368

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 people 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,

Amy Hayes  
State Hearing Officer  
Member, State Board of Review

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

cc: Kristyne Hoskins, Department Representative

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

[REDACTED]

**Appellant,**

v.

**Action Number: 26-BOR-1368**

**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 11, 2026.

The matter before the Hearing Officer arises from the February 20, 2026 decision by the Respondent to deny the Appellant's eligibility for the Low-Income Energy Assistance Program (LIEAP).

At the hearing, the Respondent appeared by Kristyne Hoskins, Economic Service Worker Senior, West Virginia Department of Human Services (DoHS). The Appellant was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 People's Access To Help (PATH) application for Home Energy Assistance (LIEAP) submitted by [REDACTED] on January 9, 2026
- D-2 Case comments screen prints for comments dated January 21 through February 23, 2026
- D-3 Verification Checklist Notice from Department of Human Services (DoHS) to [REDACTED] of requirement to provide documentation dated January 22, 2026
- D-4 Email from [REDACTED] to dohsbfav20@wv.gov on January 24, 2026 with attached Earnings Statements for [REDACTED] for pay date 12/05/2025, pay date 12/19/2025, and pay date 01/02/2026
- D-5 Statement of Payment Due from [REDACTED] to [REDACTED] dated December 16, 2025
- D-6 Income Summary screen print for [REDACTED] last updated date February 23, 2026
- D-7 Employment Income screen print for [REDACTED] last updated date February 23, 2026

- D-8 Case comments screen prints for comments dated January 21 through February 23, 2026  
D-9 Notice of Decision from DoHS to [REDACTED] dated February 20, 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) On January 9, 2026, the Appellant applied for Low-Income Energy Assistance Program (LIEAP) benefits for the 2026 heating season for an assistance group (AG) of two (2). (Exhibit D-1)
- 2) The Appellant reported receipt of earned income every two (2) weeks. (Exhibit D-1)
- 3) On January 22, 2026, the Department issued a Verification Checklist requesting the Appellant provide documentation in order to determine her eligibility for LIEAP. The Respondent required the information be returned by February 5, 2026. (Exhibit D-3)
- 4) The documentation requested was proof of gross earned income, such as paystubs/ employer statement for period of consideration December 22, 2025, to January 20, 2026, and the Appellant's account number for the requested utility. (Exhibit D-3)
- 5) On January 24, 2026, the Appellant emailed the Respondent her earnings statements for pay dates December 5, 2025, December 19, 2025, and January 2, 2026, and utility bill with proof of account number. (Exhibit D-4)
- 6) The Appellant failed to submit proof of gross earned income for pay date January 16, 2026, by the due date of February 5, 2026. (Exhibit D-8)
- 7) On February 20, 2026, the Respondent notified the Appellant that her LIEAP application had been denied because she did not provide all needed information. (Exhibit D-9)

**APPLICABLE POLICY**

**West Virginia Income Maintenance Manual, Chapter 9, describes Client Notification, in pertinent part:**

**9.3.1 Advance Notice Requirements**

A client must receive advance notice in all situations involving adverse actions except those described in the Adverse Actions Not Requiring Advance Notice section below.

The advance notice requirement is that notification be mailed to the client at least 13 days prior to the first day of the month in which the benefits are affected.

**West Virginia Income Maintenance Manual, Chapter 21, Section 21.3 describes the Eligibility Requirements for LIEAP, in pertinent part:**

**21.3.1 Regular LIEAP**

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.

**21.3.1.A Income**

The total monthly gross income of the AG must not be more than the maximum allowable gross income amounts in the chart in Chapter 4, Appendix A. No income deductions or disregards apply, except in the determination of gross profit for self-employment. When the gross monthly income of the AG exceeds the maximum allowable income amounts, the group is ineligible for LIEAP and the application is denied.

**21.3.1.A.1 Determining the Month Income Is Counted**

Income received or expected to be received during the month of application is used to determine eligibility.

**West Virginia Income Maintenance Manual, Chapter 21, Section 21.4 describes the Application Process for LIEAP, in pertinent part:**

**21.4.1 Mail-Out Applications**

The LIEAP mail-out contains an application form (DFA-LIEAP-1), an instruction sheet (DFA-LIEAP-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.

#### **21.4.5 DOHS Responsibilities**

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.

#### **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.

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 AG must be verified when the client indicates a source of income for any AG member.

Documentation may include paycheck stubs, award letters, and written statements from employers.

#### **21.4.10.A Regular LIEAP Benefits**

When the client has met all eligibility requirements outlined in Section 21.3 and has complied with the verification instructions in Section 21.4.9 above, the client may be found eligible for Regular LIEAP benefits.

#### **21.4.12 Client Notification**

##### **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. The Worker must notify the client of the eligibility decision within 30 days of the date of application.

### **DISCUSSION**

On February 23, 2026, the Appellant requested this appeal contesting the denial of her application for the Low-Income Energy Assistance Program (LIEAP). The Respondent must prove by a preponderance of the evidence that it correctly denied the Appellant's LIEAP application.

On January 9, 2026, the Appellant applied for LIEAP benefits for an assistance group (AG) of two

(2) indicating that she had earned income and was paid every two (2) weeks. Policy states that income from all sources for the AG must be verified when the client indicates a source of income for any member. On January 22, 2026, the Appellant issued a verification checklist, affording the Appellant until February 5, 2026, to provide verification of her income. The Respondent requested verification of income for the period of consideration December 22, 2025, to January 20, 2026. Policy provides that the total monthly gross income of the AG must not be more than the maximum allowable gross income amount of \$3,209. The income received or expected to be received during the month of application is used to determine eligibility.

The Appellant contended that she did not receive the notice requesting verifications dated January 22, 2026. The Appellant also contended that she does not always receive mail. She argued that she did turn in some of the requested information, so her application should not have been denied.

The Respondent's notice to the Appellant that additional information was needed was dated January 22, 2026. The due date indicated on the notice was February 5, 2026. This notice was sent 15 days prior to the due date. Policy requires that the Respondent notify clients by mail and give 15 days for document submission. Additionally, policy provides that failure on the part of the client to obtain verification when required or requested by the Worker will result in a denial of the application.

On January 24, 2026, the Appellant provided pay stubs for pay dates December 5, 2025, December 19, 2025, and January 2, 2026. These pay stub dates did not encompass the entire period of consideration. The Appellant failed to provide a pay stub for January 16, 2026. On February 20, 2026, the Department issued notice to the Appellant informing her of the denial of her LIEAP application.

Governing policy mandates that a client must provide verification of income at the time of application or within 15 calendar days following the date the information is requested. While it is unfortunate that the Appellant did not receive the January 22, 2026 notice, the Respondent followed policy when it mailed the verification checklist to the Appellant requesting information. Although the Appellant stated that she did not receive the verification document, she still supplied some of the needed information to the Respondent two days later. The Respondent correctly determined that the Appellant had not submitted all the documentation which was requested to verify her income during the month of application. The Respondent's decision to deny the Appellant's LIEAP application is affirmed.

### **CONCLUSIONS OF LAW**

- 1) Governing policy mandates that a client must provide verifications within 15 calendar days from the date the information is requested.
- 2) On January 22, 2026, the Respondent requested additional information concerning the Appellant's income during period of consideration December 22, 2025, to January 20, 2026, to be provided by February 5, 2026.

- 3) On January 24, 2026, the Appellant provided pay stubs for December 5, 2025, December 19, 2025, and January 2, 2026, but failed to provide the pay stub for January 16, 2026; therefore, her verifications were incomplete.
- 4) The Department was correct in its decision to deny the Appellant's application for LIEAP benefits as all requested verification was not provided.

### **DECISION**

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

**ENTERED this 13th day of March 2026.**

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**Amy Hayes  
State Hearing Officer  
Member, Board of Review**