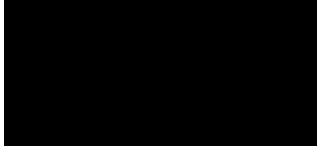




March 19, 2026



RE: [REDACTED] v. DoHS/BFA
ACTION NO.: 26-BOR-1399

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,

Kristi Logan
Certified State Hearing Officer
Member, State Board of Review

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

cc: Rena Lawless, [REDACTED] County DoHS

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

██████████

Appellant,

v.

Action Number: 26-BOR-1399

**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 March 12, 2026.

The matter before the Hearing Officer arises from the February 18, 2026, 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 Rena Lawless, ██████████ County DoHS. The Appellant was self-represented. The witnesses were placed under oath, and the following documents were admitted into evidence.

Department's Exhibits:

None

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 received a LIEAP application in the mail, completed and returned the application to the Respondent on January 30, 2026.
- 2) The application submitted by the Respondent listed a case number of another household.
- 3) The Appellant did not receive LIEAP in 2025 and he was not included in the mass mailing of LIEAP applications in January 2026.
- 4) The Respondent denied the Appellant's January 30, 2026, LIEAP application as open intake would not start until February 2, 2026.
- 5) The Appellant submitted another LIEAP application online on February 11, 2026.
- 6) The Respondent denied the Appellant's application on February 18, 2026, citing that the LIEAP heating season had ended.
- 7) The regular LIEAP season closed on February 9, 2026.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 21 explains LIEAP eligibility:

21.1 Introduction

LIEAP is a time-limited program and dependent on the availability of federal funds. It is subject to closure without prior notice when funds are deemed to have been exhausted. Funds are normally disbursed on a first-come, first-served basis, but may also be subject to disbursement based on need. When this occurs, priority is given to those groups of clients with the greater energy burden as demonstrated by income, AG size and heating cost. Program operation is accomplished by mail-out applications, outreach, and an open application intake period for both Regular and Emergency LIEAP. Regular LIEAP assists eligible households with the cost of home heating/cooling through direct cash payments or payments to utility companies on their behalf. Emergency LIEAP is a crisis component available for households without resources facing the loss of a heating/cooling utility source.

21.3.1.G Time Limits

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.

21.4 Application Process

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.

21.4.3 Open Application Intake Period

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 locations listed above. The application is also available and may be completed through WV PATH.

DISCUSSION

LIEAP is a time-limited program that is dependent on the availability of federal funds and is subject to closure without prior notice when funds are deemed to have been exhausted. The 2026 LIEAP season started on February 2, 2026, and closed on February 9, 2026, when available funding had been depleted.

The Appellant applied for LIEAP on January 30, 2026, and on February 11, 2026. The Respondent's witness, Rena Lawless, testified that the January 30 application submitted by the Appellant was issued in the January 2026 mass mailing to last year's LIEAP recipients but listed a case number of a different household with the same last name as the Appellant in another county. Ms. Lawless confirmed that a LIEAP application was not issued from the Appellant's case as he did not receive LIEAP the previous year. Ms. Lawless could not explain how the Appellant was mailed the application and surmised that the LIEAP application he submitted was intended for a family member. Ms. Lawless stated that individuals who did not receive an application by mail were required to wait until the open intake period to apply which started February 2.

The Appellant confirmed that he did not receive LIEAP last year but the application he received by mail was addressed to him. The Appellant testified that he was out of town briefly after submitting the January 30 LIEAP application and when he returned, the denial letter had been delivered. The Appellant stated the letter advised him to reapply during the open intake period. The Appellant reapplied for LIEAP on February 11, 2026, and called his caseworker to notify the Respondent of the new application. The Appellant stated he was advised by his caseworker that LIEAP had ended on February 9, 2026, therefore the application would be denied.

Pursuant to policy, LIEAP applications are mailed to any household which received LIEAP during the previous LIEAP season and these applications are mailed prior to the program start date. Individuals may choose to return the completed form by mail or complete the application online. Individuals who did not receive a mailed LIEAP application can apply during the open intake application period.

The January 30, 2026, LIEAP application and subsequent denial letter were not submitted as evidence. The Appellant provided credible testimony that the January 30, 2026, LIEAP application was mailed to him by the Respondent. Both parties confirmed that the Appellant did not receive LIEAP the previous year, however neither party could explain how the Appellant was included in the application mass mailing. There is no stipulation in policy that precludes an individual, who received an application in the mail, from applying prior to the open intake period. Although the Appellant did not receive LIEAP the previous year, he inexplicably received an application in the mail. Policy permits individuals who received a mailed application to apply prior to the open intake period, therefore the January 30, 2026, application was denied in error.

Whereas the Appellant submitted a LIEAP application that was mailed to him by the Respondent prior to the program closure on February 9, 2026, the denial of LIEAP cannot be affirmed.

CONCLUSIONS OF LAW

- 1) LIEAP applications are mailed to any household which received LIEAP during the previous LIEAP season and these applications are mailed prior to the program start date.
- 2) Individuals who did not receive a mailed LIEAP application can apply during the open intake application period.
- 3) The Appellant received a LIEAP application in the mail.
- 4) The Appellant returned the completed LIEAP application to the Respondent on January 30, 2026, prior to the closure of the program.
- 5) Policy does not limit eligibility for LIEAP on the receipt of LIEAP the previous year.
- 6) The Respondent denied the Appellant's January 30, 2026, in error.

DECISION

It is the decision of the State Hearing Officer to **reverse** the decision of the Respondent to deny the Appellant's January 30, 2026, application for Low Income Energy Assistance Program benefits. The matter is **remanded** to the Respondent for a determination of eligibility for the program.

ENTERED this 19th day of March 2026.

Kristi Logan
Certified State Hearing Officer