



April 23, 2026

[REDACTED]

RE: [REDACTED] WVDoHS/BFA
ACTION NO.: 26-BOR-1705

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,

Todd Thornton
State Hearing Officer
Member, State Board of Review

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

cc: Michalle Boren, Department Representative

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

[REDACTED]
Appellant,

v.

Action Number: 26-BOR-1705

**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 April 21, 2026, upon a timely appeal filed on March 30, 2026.

The matter before the Hearing Officer arises from the March 17, 2026 decision by the Respondent to deny the Appellant's Low Income Energy Assistance Program (LIEAP) application for failure to provide requested information.

At the hearing, the Respondent appeared by Michalle Boren. The Appellant was self-represented and appeared by [REDACTED] who testified on the Appellant's behalf. Michalle Boren testified on the Respondent's behalf. All witnesses were placed under oath, and the following documents were admitted into evidence.

EXHIBITS

Department's Exhibits:

- | | |
|-----|---|
| D-1 | Case Summary |
| D-2 | Duplicate copy of the hearing referral for the Appellant's case
Letter dated March 25, 2026 (marked received March 30, 2026)
Verification checklist excerpt, dated February 27, 2026
Utility bills |

LIEAP Outreach Application excerpt
Completed LIEAP application excerpt

- D-3 Notice of decision, dated March 17, 2026
- D-4 Case Comments from the Appellant's case
Entries dated February 26, 2026 – April 8, 2026
Entries dated April 10, 2026
- D-5 West Virginia Income Maintenance Manual excerpts, unknown effective dates

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 is disabled.
- 2) The Appellant receives Supplemental Security Income (SSI) from the Social Security Administration based on his disability.
- 3) The Appellant applied for the Low-Income Energy Assistance Program (LIEAP) on January 29, 2026, via "PATH," the Respondent's online application portal. (Exhibit D-4, Case Comments, entry dated February 26, 2026)
- 4) The Respondent did not provide a copy of the Appellant's January 29, 2026 application for review at the hearing.
- 5) The Respondent worker processed the Appellant's LIEAP application on February 26, 2026. (Exhibit D-4, Case Comments, entry dated February 26, 2026)
- 6) The Respondent worker noted, on February 26, 2026, in part, "Same HH [household] comp [composition]/address/phone/income/heat source gas."
- 7) The record of case comments provided by the Respondent does not show an address change made by the Respondent for the Appellant's case. (Exhibit D-4)
- 8) The LIEAP Outreach Application, mailed to the Appellant on or about January 4, 2026, lists an address of "[REDACTED] West Virginia. (Exhibit D-2)

- 9) The Respondent worker did not have all the information necessary to process the Appellant's LIEAP application and requested additional information from the Appellant.
- 10) The Respondent did not provide a copy of the full verification checklist mailed to the Appellant in conjunction with their request for additional information to complete the processing of the Appellant's LIEAP application.
- 11) The Appellant returned the verification checklist to the Respondent, which shows part of the full letter.
- 12) The incomplete verification checklist, dated February 17, 2026, returned by the Appellant lists an address of [REDACTED] (Exhibit D-2, Notice dated February 27, 2026, pp. 1 – 3 of 5)
- 13) This verification checklist excerpt (Exhibit D-2, Notice dated February 27, 2026, pp. 1 – 3 of 5) states, in part, "A list of acceptable documentation required for verifications can be found on the last page."
- 14) The incomplete verification checklist provides a due date of March 13, 2026, and a table. The table lists the Appellant's name, the applicable program as LIEAP, and states, under the 'verification' heading, "Has an account number been provided (PSC Utility)?" (Exhibit D-2, Notice dated February 27, 2026, pp. 1 – 3 of 5)
- 15) The incomplete verification checklist also states, "We need a copy of your most recent gas and electric bills." (Exhibit D-2, Notice dated February 27, 2026, pp. 1 – 3 of 5)
- 16) The Respondent mailed a notice, dated March 17, 2026, addressed to the Appellant and listing an address of [REDACTED] (Exhibit D-3)
- 17) This notice (Exhibit D-3) denied the Appellant's LIEAP application and listed the reason for the denial as, "Did not provide PSC-regulated utility account number."
- 18) Subsequent to the Respondent's denial, the Appellant provided a LIEAP application form, utility bills, and the requested account information (Exhibit D-2). The documents show the Appellant's address as [REDACTED]
- 19) During the hearing, the Appellant confirmed his address as [REDACTED]
- 20) The record of case comments provided by the Respondent do not show any accommodation was approved or considered for the Appellant during the LIEAP application process. (Exhibit D-4)

APPLICABLE POLICY

The West Virginia Income Maintenance Manual (WVIMM), Chapter 21, addresses LIEAP. At § 21.1, this policy provides:

The Low-Income Energy Assistance Program (LIEAP) provides financial assistance to eligible assistance groups (AG) responsible for a home heating/cooling cost. It is not the purpose of this program to meet the entire cost of home heating/cooling needs; it is designed to partially offset the cost. The program is time-limited 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.

WVIMM, § 21.3.1.F, provides, in part:

The customer must provide a copy of their electric bill, the bill of their main heating/cooling source and the name of their heating vendor at the time of application or within 15 calendar days following the date the information is requested.

WVIMM, § 1.2.3, lists the general responsibilities of the worker regarding the application process. Among these responsibilities, it is noted that the worker must determine if the applicant requires special assistance, assist the client in obtaining information required to establish his eligibility, determine whether or not the client is able to cooperate, and ensure that proper case recordings are made to document the worker's actions and the reason for such actions.

WVIMM, § 1.2.1.E.1, provides, in part:

Federal law protects individuals with a disability and defines that as a person who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of that individual;
- Has a record of such an impairment; or
- Is being regarded as having such an impairment.

There are two key issues regarding discrimination against people with disabilities:

1. Individualized Treatment: Individualized treatment requires that individuals with disabilities be treated on a case-by-case basis, based upon facts and objectivity. Such individuals may not be treated differently on the basis of generalizations or stereotypes.
2. Effective Opportunity and Access: Effective opportunity and access means that individuals must be given the same access and opportunities to programs of assistance as individuals who do not have disabilities.

WVIMM, § 1.2.1.E.3, provides:

The Worker has the following responsibilities to ensure fair and equitable treatment of applicants and clients:

- Consider whether a person may have a special need, and how that may affect his ability to comply with rules, fill out forms, attend scheduled appointments, etc. If the Worker determines, or an individual informs the agency, that a person has a disability or LEP and that affects his ability to comply, the Worker has the authority to make reasonable modifications or accommodations to ensure that the person receives equal access to all programs and services. Any evidence must be documented in the case record and in case comments [*sic*] Some examples of reasonable modifications or accommodations can be found below in 1.2.1.E.4.
 - o A reasonable accommodation can be requested for physical, mental or LEP (limited English proficiency) issues that would present a barrier to accessing programs and services. The worker must use the DFA-ADARA-1 (Family Assistance Reasonable Accommodations Report Form) to capture any information about the barrier and the disposition of the reasonable accommodation request. A copy of the DFA-ADARA-1 should be placed into the case record and a copy made available to the BFA ADA Coordinator. A copy of the DFA-ADARA-1 must also be made available to the client upon request.
 - o The worker must honor the right of the client to fair hearings regarding reasonable accommodations and is responsible for sending this information to the Office of Inspector General, Board of Review.
 - o If an individual requires an interpreter, the Worker must contact local resources to locate one.
- Enter an indicator in the case record to alert that an accommodation may be needed and also to track cases for Federal reporting requirements.

DISCUSSION

The Appellant has appealed the decision of the Respondent to deny the Appellant's LIEAP application for failure to provide necessary information. The Respondent must show, by a preponderance of the evidence, that it correctly denied the Appellant's application on this basis.

The Appellant is a disabled individual who applied for LIEAP in January 2026. The Respondent worker processed the application in February 2026, and the application process required additional information from the Appellant. The Appellant provided his utility bills and account numbers. The Respondent denied the Appellant's LIEAP application, contending that the necessary information was not provided by the deadline set by LIEAP policy.

The Appellant appeared for the hearing but allowed [REDACTED] to testify and present on his behalf. The Appellant has difficulty speaking, does not own a computer, and frequently asks for assistance from others when applying for programs administered by the Respondent. The Respondent is aware the Appellant is a recipient of SSI and administers the Medicaid that corresponds to the Appellant's receipt of SSI. The Social Security Administration provides SSI payments to individuals based on disability. The relevant responsibilities of the Respondent worker with regard to the Appellant's LIEAP application were to: determine if the applicant requires special assistance, assist the client in obtaining information required to establish his eligibility, determine whether or not the client is able to cooperate (with any information request), and ensure that proper case recordings are made to document the worker's actions and the reason for such actions. There was no case recording to note any assessment of the Appellant's needs, or any rationale for denying or granting accommodations in conjunction with such an assessment.

When the Respondent denied the Appellant's LIEAP application, [REDACTED] mailed a written hearing request for the Appellant stating she helps him. The Respondent worker contended that the fact another person is helping the Appellant means that accommodations are not necessary. This contention is not supported by policy. The Respondent knew the Appellant was disabled because of his receipt of SSI and did not note any accommodations considered and the rationale for providing or refusing any accommodations. Only after the Respondent made its decision and the Appellant asked for a hearing did the Respondent worker offer the theory that it was absolved of the accommodation assessment requirements and case recording requirements outlined in policy because of the content of the hearing request. The relevant information available to the Respondent *at the time of its denial* was that the Appellant was receiving SSI based on disability, and policy required case recordings to explain the basis for granting or denying accommodations to the Appellant.

When an application does not include sufficient information to determine eligibility, a Respondent worker must request all required verification in a letter which explains what is being requested and when it is due. LIEAP policy requires such information to be provided 15 calendar days following the date the information is requested, and the Respondent may deny applications after that deadline. However, to establish a date of the information request, the Respondent must properly deliver their notices.

The Respondent did not provide a copy of the LIEAP application submitted by the Appellant via the Respondent's application portal, known as PATH. The case narrative detailing the February 26, 2026 processing of the Appellant's application noted the same household composition, income, heating source, and address. No other comment details a reported address change. The address reported on that application could not be seen because it was not provided at the hearing. The application and utility bills submitted after the Respondent's denial, and the accompanying utility bills, list a different address than the address the Respondent used for its LIEAP outreach application, its verification checklist, and its denial letter. Without such address issues, it would be more likely than not that the Respondent delivered its required notices properly and took correct action relative to the date of their information request; the date of the notice would be the same as the date of the information request. Because these letters were returned by the Appellant, it is clear that they were received at some point, but the Respondent must show that it acted 15 days after a clearly established information request date and failed to do so. The Appellant sent in a second LIEAP application that provided all necessary information and the Respondent did not establish that it correctly denied the first application. The Respondent delivered notices to an incorrect address, and although the Appellant ultimately received and returned some of the notices, the only reliable finding regarding the date the information was requested is that it cannot be after March 30, 2026, when the Appellant provided the utility bill information.

The Respondent did not establish that it denied the Appellant's LIEAP application 15 days after the date of its information request because of address errors not addressed in case narrative, testimony, or evidence including the initial application to show the reported address at that time. The Respondent did not appear to have addressed any accommodation required by the Appellant due to his disability. The substance of a March 30, 2026 hearing request letter could not have informed the Respondent prior to its March 17, 2026 decision. The Respondent did not meet its responsibilities in the LIEAP application process and did not show that it properly delivered the notices requesting information or denying the Appellant's application.

CONCLUSIONS OF LAW

- 1) Because the Respondent did not document any consideration of the Appellant's accommodation needs stemming from his disability, the Respondent did not meet its responsibilities in the application process.
- 2) Because of inconsistencies in the Respondent's address on file for the Appellant which were not resolved through evidence or testimony, it was not established that the Respondent properly delivered a verification checklist to the Appellant.
- 3) Because the Respondent did not properly deliver a verification checklist to the Appellant, the notice date of its verification checklist is not the date it requested information.
- 4) Because the Respondent did not establish a date of information request, it cannot deny the Appellant's LIEAP application for a failure to provide necessary information within 15 days following the information request.

- 5) Because any unmet verification or address change issues could stem from the Respondent's failure to meet the policy provisions regarding worker responsibilities in the application process and disability accommodations, the Respondent's decision to deny the Appellant's LIEAP application cannot be affirmed.
- 6) Because information submitted subsequent to the Respondent's denial satisfies the Respondent's request and is not more than 15 days following an established date of information request, the Appellant's LIEAP application must be approved.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's denial of the Appellant's LIEAP application for failure to provide necessary information.

ENTERED this _____ day of April 2026.

**Todd Thornton
State Hearing Officer**