



April 30, 2026

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 26-BOR-1769

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,

Lori Woodward, J.D.
Certified State Hearing Officer
Member, State Board of Review

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

cc: Noelle Moore, WV DoHS/BFA

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

████████████████████

Appellant,

v.

Action # 26-BOR-1769

**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
April 28, 2026.

The matter before the Hearing Officer arises from the decision by the Respondent to approve the
Appellant’s application for regular Low Income Energy Assistance Program (LIEAP) benefits.

At the hearing, the Respondent appeared by Noelle Moore, Economic Service Supervisor. The
Appellant was self-represented. The witnesses were sworn, and the following documents were
admitted into evidence.

Department’s Exhibits:

- D-1 Hearing Summary
- D-2 LIEAP application, dated January 13, 2026
- D-3 Kerosene receipts, dated January 17, 21, 23, 24, 29, 2026, and a receipt for wick
kerosene replacement, dated January 17, 2026
- D-4 Email from the Appellant to the Respondent, dated February 12, 2026
- D-5 Screen print of the case comments in the Appellant’s case from September 12, 2025
to February 3, 2026
- D-6 West Virginia Income Maintenance Manual, Chapter 21, §§21.3.1.C.1 – 21.3.1.C.5

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 13, 2026, the Appellant applied for the LIEAP program.
- 2) The Appellant checked both “Electric Furnace” and “Fuel or Kerosene Furnace” as her primary source of home heating on Question “D” of the LIEAP application form, which instructed to check only one. (Exhibit D-2)
- 3) The Appellant provided her company/vendor as Potomac Edison (electric company) with her account number on Question “E” of the LIEAP application form. (Exhibit D-2)
- 4) On January 29, 2026, the Appellant provided copies to the Respondent of her kerosene receipts dated January 17, 21, 23, 24, 29, 2026, and a receipt for wick kerosene replacement, dated January 17, 2026. (Exhibit D-3)
- 5) The Appellant’s primary heating source is electric.
- 6) The Appellant’s secondary heating source is kerosene.
- 7) On February 4, 2026, the Respondent notified the Appellant that her LIEAP application was approved in the amount of \$174, payable to the Appellant.
- 8) The February 4, 2026 notification clearly stated that failure to pay for primary home heating costs with LIEAP payments made directly to the applicant constitutes misuse of benefits.
- 9) The Appellant applied the \$174 LIEAP payment to purchase kerosene, her secondary heat source.

APPLICABLE POLICY

WV Income Maintenance Manual (IMM), Chapter 21, §21.1, *Introduction*, in part:

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.

WV IMM, Chapter 21, §21.3.1.C.5, *Portable Heaters*: Portable heating devices such as, but not limited to, electric and kerosene space heaters, are not considered primary sources of heating except when an emergent life-threatening situation exists, the dwelling is totally without a heating source, and the AG has no alternate housing available. It is considered dangerous to

AG members and detrimental to program goals to heat a dwelling with space heaters. Such use must not be encouraged. Exceptions require LIEAP Coordinator approval. [Emphasis added]

WV IMM, Chapter 21, §21.3.1.E, Duplicate Payments: All eligible AGs are entitled to one Regular LIEAP, one Emergency Heating LIEAP, and one Emergency Cooling LIEAP payment per season only. Subsequent applications received from people who have already been found eligible for or who have received a Regular LIEAP payment in that season are denied. Cases requiring corrective or supplemental payments must be referred to the Office of Client Accounts as provided in Section 21.6.

WV IMM, Chapter 21, §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. **Regular LIEAP payments are intended for the primary source of home heating/cooling only, depending on season.** In a heating/cooling emergency, however, the payment may be applied to an old bill or to a reconnect and/or deposit to reinstate service, provided the client is guaranteed 30 days of service. The Worker or Supervisor must contact the State LIEAP Coordinator for approval of Regular LIEAP for any other purpose. [Emphasis added]

WV IMM, Chapter 21, §21.6, Case Maintenance and Corrective Action: Adjustments in Low Income Energy Assistance Program (LIEAP) payment amounts result from Worker or client errors or decisions from Fair Hearings. All changes affecting the amount of payment must be made by the Office of Client Accounts. **Corrective action must be initiated on all cases in which an error has occurred, regardless of who made the error.** [Emphasis added]

WV IMM, Chapter 21, §21.6.3, Cases Approved in Error: When an ineligible case is approved, an overpayment occurs, or an incorrect payment is made, regardless of who makes the error, the Worker must take the action outlined in Section 21.6.4 below. The State must be reimbursed for all payments issued in error. An inappropriate payment results when a client incorrectly states the primary method of home heating/cooling on page 2 of the DFA-LIEAP-1 or during the intake interview. If it is determined prior to the Emergency LIEAP approval that the client received an inappropriate Regular LIEAP payment, the Emergency LIEAP application is denied. Otherwise, the client must repay the LIEAP benefit. [Emphasis added]

WV IMM, Chapter 21, §21.6.4.E, Making Adjustments in the Regular LIEAP Payment: Adjustments to the LIEAP payment must be made by the Office of Client Accounts. In a memorandum addressed to the Office of Client Accounts, the Worker must provide the identifying information and explain how the Regular LIEAP payment must be adjusted.

DISCUSSION

On January 13, 2026, the Appellant applied for regular LIEAP benefits. On the application form, the Appellant checked both “Electric Furnace” and “Fuel or Kerosene Furnace” as her primary source of home heating on Question “D” of the regular LIEAP application form, which instructed to check only one. The Appellant did make a notation that the kerosene heater was just used for

extra heat. The Appellant provided her company/vendor as Potomac Edison with her account number on the regular LIEAP application form. On January 29, 2026, the Appellant provided the Respondent with fuel receipts from January 17, 21, 23, 24, 29, 2026, in addition to a receipt for wick kerosene replacement, dated January 17, 2026. On February 4, 2026, the Respondent notified the Appellant that her regular LIEAP application was approved in the amount of \$174, payable to the Appellant, which she subsequently cashed. The Appellant brings this appeal stating that her electric furnace is her primary source of heat and that the kerosene heater was a secondary source of heat.

The Respondent must show by a preponderance of evidence that it correctly issued the February 4, 2026 regular LIEAP payment.

The Appellant testified her primary heating source was electric and that this was the first year they had to use a secondary heating source of kerosene to heat the house. The Appellant stated that she was told to indicate her secondary heating source on the regular LIEAP application. It is noted, however, on the regular LIEAP application, Question D, clearly states to “(Check the item which corresponds to your primary source of home heating. **PLEASE CHECK ONLY ONE.**” The Appellant also completed Question E “Main Heating Source (Same source as Question D)”, indicating “Potomac Edison” with her account number.

On January 29, 2026, the Appellant provided the Respondent with kerosene receipts which she incurred after she submitted the regular LIEAP application. The evidence failed to show why these receipts were submitted. Nevertheless, on February 4, 2026, the Respondent notified the Appellant that her regular LIEAP application was approved in the amount of \$174 payable to her. The February 4, 2026 notice clearly explained that “Failure to pay for primary home heating costs with LIEAP payments made directly to you constitutes misuse of benefits and may cause loss of future program benefits or repayment of misused benefits ... If you receive a direct payment ... to which you are not entitled, you will be required to repay or return the amount of payment...” The Appellant testified that she cashed the \$174 LIEAP payment and used it to pay for kerosene instead of payment for her primary heating source, electric.

The Respondent’s representative, Noelle Moore, testified that in a Supplemental Nutrition Assistance Program (SNAP) review that the Appellant underwent in December 2025, the primary heating source was listed as electric. Additionally, Ms. Moore indicated that previous and current regular LIEAP applications, the Appellant listed electric as her primary heating source. Thus, Ms. Moore testified that after reviewing the Appellant’s case record she believed that the agency incorrectly issued the Appellant’s regular LIEAP payment for kerosene.

Policy clearly indicates that kerosene space heaters are not considered primary sources of heating except when an emergent life-threatening situation exists, the dwelling is totally without a heating source, and the assistance group (AG) has no alternate housing available. Policy specifically states that “it is considered dangerous to AG members and detrimental to program goals to heat a dwelling with space heaters. Such use must not be encouraged. Exceptions require LIEAP Coordinator approval.”

There was no evidence to show that the Appellant was questioned by the Respondent's worker about the use of the kerosene heater due to an emergent life-threatening situation or if the dwelling was totally without a heating source and whether the AG had no alternate housing available. Further, it is unknown whether there was prior approval by the LIEAP Coordinator for the kerosene payment to the Appellant.

Regular LIEAP payments are intended for the primary source of home heating/cooling only, depending on the season. The evidence showed that the Appellant indicated that electric was her primary heating source with kerosene heat as her secondary source. The agency erred in issuing the regular LIEAP payment to the Appellant based on her secondary heating source. Policy mandates that corrective action must be initiated on all cases in which an error has occurred, regardless of who made the error.

After weighing the testimony and evidence presented, the preponderance of evidence showed that the agency incorrectly issued the Appellant's regular LIEAP payment based on her secondary heating source and, therefore, cannot be affirmed.

CONCLUSIONS OF LAW

- 1) Policy allows one regular LIEAP payment per open season to an applicant's primary source of heating, if otherwise eligible.
- 2) The Appellant uses electric as her primary source of heat and kerosene as her secondary source of heat.
- 3) The Respondent erred issuing a regular LIEAP payment for the Appellant's secondary source of heat, kerosene.
- 4) Because an agency error occurred in the issuance of the Appellant's regular LIEAP payment, corrective action must be taken.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's approval of the Appellant's January 13, 2026 regular LIEAP program application for a secondary source of heat, kerosene. The matter is **REMANDED** to redetermine the Appellant's eligibility for the regular LIEAP program based on her primary source of heat, electric, and taking any other corrective action that may be necessary.

ENTERED this 30th day of April 2026.

Lori Woodward, Certified State Hearing Officer