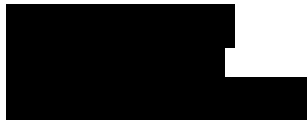




May 15, 2026



RE: [REDACTED] v. WVDoHS
ACTION NO.: 26-BOR-1950

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,

Eric L. Phillips
Certified State Hearing Officer
Member, State Board of Review

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

cc: Michael Tetreault, BFA

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

██████████,

Appellant,

v.

Action Number: 26-BOR-1950

**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 May 15, 2026, on an appeal filed with the Board of Review on May 13, 2026.

The matter before the Hearing Officer arises from the April 30, 2026 decision by the Respondent to deny the Appellant's application for Emergency Assistance.

At the hearing, the Respondent appeared by Michael Tetreault, Economic Service Worker Senior. The Appellant was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Request Notification
- D-2 Electronic Mail submission dated May 13, 2026
- D-3 Application for Emergency Assistance dated April 29, 2026
- D-4 West Virginia Income Maintenance Manual Chapter 4 Appendix A
- D-5 Case Comments dated April 29, 2026
- D-6 Notice of Decision dated April 30, 2026
- D-7 Hearing Summary

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 April 29, 2026, the Appellant applied for Emergency Assistance. (Exhibit D-3)
- 2) The Appellant reported a household of 5 individuals.
- 3) The Appellant reported a total monthly household income of \$6361.24.
- 4) The Appellant noted a utility notice of service termination for electric. (Exhibit D-3)
- 5) The income limit for Emergency Assistance for a household of 5 is \$1416.00. (Exhibit D-4)
- 6) On April 30, 2026, the Respondent issued a Notice of Decision (Exhibit D-6) advising the Appellant that her application for Emergency Assistance had been denied due to excessive income.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WVIMM) Chapter 20.2.2.F.1 addresses income as it relates to Emergency Assistance. The policy provides:

The Worker must determine availability of income to the applicant and all other members of the AG. All countable gross income received by any member of the AG, beginning with date of application and ending 29 days later, must be counted in determining eligibility for EA.

When considering countable income to determine eligibility, the Worker must use the following guidelines:

- Verification must be requested for the following:
 - o Income that has not been verified in the 30 days prior to the date of application; and
 - o Changes in income.

- The total countable gross income of all members of the AG is compared to the Monthly Allowable Income Schedule in Appendix A.
- Income received prior to the 30-day period of consideration is an available asset if retained in the 30-day period of consideration.

West Virginia Income Maintenance Manual (WVIMM) Chapter 4 Appendix A addresses the income limits regarding Emergency Assistance. This policy provides:

The income limit for emergency assistance for a household of 5 is 1416.00.

DISCUSSION

The Emergency Assistance (EA) program is used to assist individuals and families in meeting a financial crisis when they are without available resources. The program is designed to provide short-term emergency financial assistance with which eligible individuals and families may obtain certain items or services needed to eliminate an emergency or crisis.

On April 29, 2026, the Appellant applied for the EA program citing a service disconnection notice for her electric utility. The Appellant reported a total monthly income of \$6361.24 for a household of five individuals. The income limit for the EA program for a family of five is \$1416.00. The Respondent denied the Appellant's application for the EA program due to excessive income. The Respondent must prove by a preponderance of evidence that the household's income exceeded the limits established by policy.

At application, the Appellant reported a total household income from Title IX Waiver benefits in the monthly amount of \$3081.24, employment income of in the amount of \$2286.00, and Supplemental Security Income in the amount of \$994.00. The total household income was determined to be \$6361.24. The Appellant offered no dispute to the reported income and indicated that she has multiple delinquent household bills, including water and rent. The Appellant purported that her household's electric has been terminated and she must pay \$1839.00 of the past due amount for electric utility services to be restored. Additionally, the Appellant indicated that she sought a medical certification for her electric bill but was not approved.

Governing policy dictates that the income limit for the EA for a household of five is \$1416.00. Based on the information reported at the time of application, the household's total monthly income exceeds the program income limits set forth by policy. Because the Appellant's monthly income exceeds the program income limits, the Respondent was correct in its decision to deny the Appellant's EA application.

CONCLUSIONS OF LAW

- 1) The EA income limit for a household of five is \$1416.00.
- 2) The Appellant reported a total household income of \$6361.24.

- 3) The Appellant's household income exceeds the limits set forth by policy.
- 4) The Respondent's decision to deny EA is affirmed.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Respondent's decision to deny the Appellant's application for Emergency Assistance.

ENTERED this _____ day of May 2026.

Eric L. Phillips
Certified State Hearing Officer