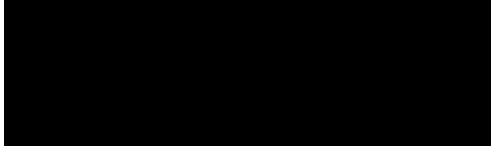




July 28, 2026



RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 26-BOR-2246

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/Meghan Delaney, WV DoHS/BFA

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

[REDACTED]

Appellant,

v.

Action # 26-BOR-2246

**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 July 22, 2026.

The matter before the Hearing Officer arises from the Respondent's failure to allow the Appellant to apply for Emergency Low Income Energy Assistance Program Allowance (ELIEAP) 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 Case Comments screen print , May 22, May 29, and June 22, 2026
- D-3 West Virginia Department of Human Services LIEAP Fact Sheet FY 2026
- D-4 West Virginia Department of Human Services Facebook page screen print, dated June 4, 2026 (excerpt)
- D-5 West Virginia Income Maintenance Manual, Chapter 21, §§21.4.1 – 21.4.3

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 contacted the Respondent's client services center several times beginning in January 2026, inquiring about the ELIEAP program and was advised that the program begin date had not been announced.
- 2) The Respondent opened the ELIEAP program accepting applications between June 8 through June 28, 2026.
- 3) The Appellant contacted the Respondent on June 22, 2026, and was not advised that the ELIEAP program was open. (Exhibit D-2)
- 4) The Appellant was informed by the Respondent's client services center that the ELIEAP program was set to begin July 1, 2026.
- 5) On July 1, 2026, the Appellant attempted to apply for the ELIEAP program but was denied due to the program having ended.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WVIMM) § 1.2.1.A, *Right to Apply*, in part:

In addition to addressing all questions and concerns the client may have, the Worker must explain the benefits of each program and inform the client of his right to apply for any or all of them. No person is denied the right to apply for any program administered by the Division of Family Assistance (DFA) or the Bureau for Medical Services (BMS). Every person must be allowed to apply for all programs on the date he expresses his interest.

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

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.

WV IMM, Chapter 21, §21.4.2, Outreach, in part:

§21.4.2.A: Outreach is a federal requirement to ensure that potentially eligible, low-income AGs are made aware of and encouraged to apply for benefits. Outreach is accomplished as follows:

- DOHS mails applications as described above.
- DOHS provides LIEAP informational leaflets to all appropriate agencies and interested individuals.
- DOHS contracts with Area Agency on Aging (AAA) offices and the West Virginia Office of Economic Opportunity (WVOEO), which permit senior citizen centers, local Community Action Agencies, VA Centers, and other interested parties to receive LIEAP applications and information and referral services as desired. These are referred to as Sub-Grantee Agencies.
- Information and referral service organizations.

WV IMM, Chapter 21, §21.4.6, Applying For Benefits, in part:

Emergency LIEAP applications require a face-to-face interview at a DOHS office but may be taken in the home for clients who meet certain requirements.

DISCUSSION

LIEAP and ELIEAP benefit programs are grant-based and are time-limited with the open intake period varying from year-to-year. Unlike regular LIEAP applications, applications for ELIEAP require a face-to-face interview at the Respondent's local office unless the applicant is over the age 60 or is a disabled person (of any age) who lives alone with no means of transportation to the local DOHS office. Applications are only accepted during the open intake period.

The Respondent's representative, Noelle Moore, entered into the record an excerpt of the Respondent's Facebook page dated June 4, 2026, announcing that the open intake period for ELIEAP will be June 8 through June 26, 2026, or until the funds are exhausted (Exhibit D-4). Additionally, Ms. Moore entered into the record a screen print from the Respondent's website titled "LIEAP Fact Sheet FY 2026" (Exhibit D-3), but no open intake dates were listed. Instead, it states, "The Emergency LIEAP component will open following the close of Regular LIEAP and will continue until remaining funds are exhausted. The program is subject to closure without advance notice. **This assistance is offered only during the heating season.**" [Emphasis added]. Clearly this LIEAP Fact Sheet erroneously stated that ELIEAP is only offered during the heating season. There was no other evidence to show how the Respondent attempted to publicly announce the opening of the ELIEAP.

The Appellant testified that he does not check Facebook for Department information, but instead called the Respondent's client services every couple of weeks beginning in January 2026, inquiring about the start of ELIEAP intake period. The limited case comments from the Appellant's case introduced into evidence showed phone calls with the Appellant on May 22, May 29, and June 22, 2026. The Respondent's worker entered case comments on May 29, 2026, specifically stating that the Appellant had inquired about ELIEAP and the worker advised that there was no start date yet. An additional comment on June 22, 2026, entered by the Respondent's worker regarding a phone call with the Appellant noted that only SNAP was discussed. This notation appears contrary to the Appellant's credible testimony that he phoned the client services center on a regular basis to inquire about ELIEAP open intake and was eventually told that ELIEAP would begin on July 1, 2026. The hearing record showed that the Appellant did go to the Respondent's local office on July 1, 2026, but no ELIEAP application was taken as the program had ended on June 26, 2026.

The evidence indicates that the Appellant did call the client services center on June 22, 2026, during the open intake period but there was no notation made by the worker that ELIEAP was discussed. This case comment notation is suspect as it is contrary to the credible testimony from the Appellant and the fact that the Appellant attempted to apply for ELIEAP at his local office on July 1, 2026, the open intake date he was advised by a worker.

Policy requires that in addition to addressing all questions and concerns a client may have, the worker must explain the benefits of each program and inform the client of his right to apply for any or all of them. Because this was not done by the worker on the June 22, 2026, phone conversation, the Appellant was denied the right to apply.

CONCLUSIONS OF LAW

- 1) Policy requires that in addition to addressing all questions and concerns a client may have, the worker must explain the benefits of each program and inform the client of his right to apply for any or all of them.
- 2) The evidence showed that the Appellant called the Respondent's client services center on June 22, 2026, however, no explanation was given to the Appellant regarding the open intake for ELIEAP, which the Appellant had expressed interest in previous contacts with client services center.
- 3) Because the Appellant was erroneously told that the open intake period for ELIEAP was July 1, 2026, he was denied the right to apply.
- 4) The Respondent must allow the Appellant to apply for the ELIEAP benefits retroactive to the open application intake period.

DECISION

It is the decision of the State Hearing Officer to **REMAND** the issue to provide the Appellant with an ELIEAP application and determine his ELIEAP eligibility retroactive to June 22, 2026.

ENTERED this 28th day of July 2026.

Lori Woodward, Certified State Hearing Officer