



April 16, 2024

[REDACTED]

RE: [REDACTED] v. WVDoHS
ACTION NO.: 24-BOR-1644

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 assure 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: Leslie Riddle, Department Representative

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

████████████████████,

Appellant,

v.

Action Number: 24-BOR-1644

**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 26, 2024, upon a timely appeal filed on March 11, 2024.

The matter before the Hearing Officer arises from the February 27, 2024 decision by the Respondent to deny Low Income Energy Assistance Program (LIEAP) benefits.

At the hearing, the Respondent appeared by Leslie Riddle. The Appellant appeared pro se. Appearing as a witness was ██████████. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 LIEAP application dated January 30, 2024
- D-2 Notice dated February 27, 2024
- D-3 Supplemental LIEAP form dated February 24, 2024
- D-4 Excerpted email regarding LIEAP season deadline

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 applied for Low Income Energy Assistance Program (LIEAP) benefits on January 30, 2024. (Exhibit D-1)
- 2) LIEAP is a seasonal program and the application deadline for the Appellant was January 26, 2024. (Exhibit D-4)
- 3) The Respondent issued a notice to the Appellant dated February 27, 2024, which denied LIEAP because, “Heating (LIEAP) season has ended.”

APPLICABLE POLICY

The West Virginia Income Maintenance Manual (WVIMM), Chapter 21, addresses LIEAP, and at §21.1 provides (emphasis added):

The Low-Income Energy Assistance Program (LIEAP) provides financial assistance to eligible assistance groups (AG) responsible for a home heating cost. It is not the purpose of this program to meet the entire cost of home heating during the winter season; 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 automatic payments, 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 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 source.

DISCUSSION

The Appellant appealed the decision of the Respondent to deny the Appellant’s application for LIEAP payment based on the end of the program season. The Respondent must show by a preponderance of the evidence that it correctly denied LIEAP on this basis.

The Appellant applied for LIEAP on January 30, 2024. The parties disagreed regarding the LIEAP application date. The Respondent worker contended it was received by the Department on January 30, 2024, and was date-stamped on that day. The Appellant and his witness, [REDACTED] testified it was “placed in the mail” on January 24, 2024. [REDACTED] claimed that a Department worker “verified pickup” of the Appellant’s LIEAP application on January 25, 2024. [REDACTED] hearsay testimony was given no weight and there was no documentation to support her claim of mailing the application on January 24, 2024. [REDACTED] testified generally regarding her memory but did not give any compelling, specific reason for recalling this date. The Respondent worker testified that the application was dropped off at the office and not mailed to the office. The Respondent worker referred to the date-stamp showing receipt of the application on January 30, 2024. The routine action of the Respondent to date-stamp incoming documents is more reliable [REDACTED] testimony regarding her own memory.

LIEAP is a time-limited program, and the deadline for LIEAP applications to be “...received or postmarked...” (Exhibit D-4) was January 26, 2024. The reliable evidence and testimony given at the hearing showed that the Appellant did not submit his application before the LIEAP season ended. The Respondent clearly showed that it properly denied the Appellant's LIEAP application as untimely.

CONCLUSIONS OF LAW

- 1) Because LIEAP is a time-limited program, applications received outside of the established season are denied.
- 2) Because the Appellant’s January 30, 2024 LIEAP application was submitted after the January 26, 2024 end to the LIEAP season, the Respondent must deny the application.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the decision of the Respondent to deny the Appellant’s LIEAP application as out of season.

ENTERED this ____ day of April 2024.

Todd Thornton
State Hearing Officer