



[REDACTED]

Re: [REDACTED] v WV DoHS
ACTION NO.: 24-BOR-2240

Dear [REDACTED]

Enclosed is a copy of the **AMENDED** 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,

Angela D. Signore
State Hearing Officer
Member, State Board of Review

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

cc: Rebecca Skeens, WV DoHS, [REDACTED]

BEFORE THE WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

IN THE MATTER OF:

████████████████████,

Appellant,

v.

ACTION NO.: 24-BOR-2240

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 21, 2024, on an appeal filed May 08, 2024.

The matter before the Hearing Officer arises from the Appellant’s allegation that the Department failed to process her application for Emergency Assistance (EA).

At the hearing, the Respondent appeared by Rebecca Skeens, Department of Human Services (DoHS). The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department’s Exhibits:

None

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 Respondent did not receive an application for Emergency Assistance for electricity from the Appellant in March 2024.
- 2) On April 10, 2024, the Appellant submitted a Request for Replacement/Supplement of Food Purchased with Supplemental Nutrition Assistance Program (SNAP) Benefits form to the Department, requesting the replenishment of \$291.00 of SNAP benefits due to the reported power outage.
- 3) The Appellant's April 10, 2024 application for supplemental SNAP benefits was approved.
- 4) On May 07, 2024, the Appellant applied for EA benefits for electricity.
- 5) A verification checklist was issued to the Appellant on May 07, 2024, for EA benefits for electricity with a due date of May 09, 2024.
- 6) The Appellant's EA application was pending at the time of the hearing.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WVIMM) § 1.2.5 provides, in part:

The policies in this section apply to interviews that are required, as well as interviews requested by the client. WV WORKS, Emergency Low Income Heating Assistance Program (LIEAP), and Emergency Assistance require a face-to-face interview. An interview is required for SNAP but may be completed by phone or face-to-face. Medicaid does not require an interview.

The interview may be completed by the client or authorized representative visiting the office, or by the Worker making a home visit. Whether or not a face-to-face interview is required is found in program-specific sections of this chapter, along with any information that is specific to a particular program.

WVIMM § 20.2.2.A provides, in part:

An applicant who meets the definition of being faced with an emergency need is one who:

- Is faced with an existing or imminent crisis of a nature that threatens the physical health, safety, and well-being of the applicant and his family; and
- Is without available resources with which he can immediately eliminate an existing crisis or prevent an imminent crisis.

When the applicant fails to meet either or both requirements indicated above, the application is denied.

WVIMM § 20.2.3.A provides, in part:

When the Worker does not have sufficient information to make a decision, it is necessary to complete Form DFA-6 or verification checklist to inform the applicant of the additional information needed. All requests for verification must be made using the DFA-6 form and/or verification checklist.

The Worker must clearly state on the form what items must be returned by the applicant, as well as the date by which the information must be returned.

The failure to return information or the return of incomplete or incorrect information that prevents a decision from being made on the application will be considered failure to provide verification and will result in a denial of the application.

WVIMM § 20.2.3.B provides, in part:

The Worker must conduct the intake interview for the purpose of obtaining a thorough knowledge of the applicant's current financial situation, determining if the applicant meets the EA eligibility requirements, and determining the specific item(s) of need for which he is requesting payment.

The time limitations must be explained to the applicant during the intake interview. When the applicant is not currently receiving any type of assistance from the DHHR, the Worker should give particular attention to the possibility of the applicant's eligibility for regular financial assistance, Medicaid, and/or SNAP. The intake process ends when the Worker has gained sufficient information from which he can make a decision on the application.

WVIMM § 20.2.3.E provides, in part:

The Worker must approve or deny the application in the eligibility system. A decision must be made on all applications as soon as possible, if the emergency currently exists, or prior to an imminent emergency but no later than three (3) business days from the date of application.

WVIMM § 20.4.B.2 provides, in part:

Payment may be authorized for clients who are without utility services or who face imminent termination of these services. When a utility service, other than telephone service, has been disconnected, the application for EA must be made within 30 days of the date the service was terminated to meet the emergency need requirement

described in Section 20.2.2.A.

DISCUSSION

The Emergency Assistance (EA) program is used to assist individuals and families in meeting a financial crisis when they are without available resources. EA 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. The Appellant requested a hearing regarding the failure of the Department to process an application in March 2024, as well as one submitted in May 2024. The Respondent must show, by a preponderance of the evidence, that it acted correctly in connection with the Appellant's EA application.

The Appellant testified she first applied for EA in March 2024, when a worker advised her she had missed the March 1, 2024 deadline to apply for LIEAP benefits. The Respondent testified that when searching throughout the Department's database system, there is no evidence that the Appellant ever submitted an application for EA in March 2024. The Appellant testified she returned to the office on April 10, 2024 to apply for SNAP replacement benefits and that at that time she inquired about the status of the EA application she alleged she had submitted in March 2024. The Appellant further alleged that the worker advised her that they did have a copy of her termination notice. The Appellant provided confusing and unconvincing testimony when trying to narrow down time frames. She spoke of coming into the office on a "Friday - when the computer systems were down statewide [to apply for restoration benefits]." Yet, during this same visit, she testified that the Department employee showed her a scanned copy of the [REDACTED] termination notice included with the alleged March 2024 EA application on his computer screen. The Appellant testified that because she had entered into a repayment agreement with AEP for the March termination notice, the Department employee cautioned that per policy, she would not be eligible to receive EA benefits for electricity unless she were to receive an additional termination notice. The Appellant then questioned how the Department would have a copy of the termination notice if she had not applied for EA benefits.

The Respondent noted that there were no records of the Appellant's March AEP termination notice, no case comments in the system regarding a March 2024 EA application, or anything detailing the Appellant's need for a face-to-face interview, as one would be required per the policy. The Respondent testified that the only case comment listed for 2024 is from the Appellant's request for SNAP replacement that was submitted and approved on April 10, 2024. Any other documentation and/or case comments are related to a May 07, 2024 EA application that the Appellant submitted before her May 08, 2024 verbal hearing request regarding the alleged March 2024 EA application. It should be noted that according to the submitted documentation, the Appellant completed her application for EA on May 07, 2024 and it was pended for verification with a due date of May 09, 2024. The Department was required to take action on the application within three (3) business days of the date of application (by May 10, 2024) and failed to do so - as the application is still in a pending status.

The testimony provided of both parties was unconvincing and contradictory regarding the March

2024 EA application. However, if an application for EA was completed and submitted to the Department, that application would now be moot as there is no emergency from March to alleviate at this point. Because a new application for EA was submitted along with a newly received termination notice in May 2024, and because the May application could potentially alleviate the Appellant's current needs, the Appellant is to have her May 07, 2024 EA application evaluated and a decision issued immediately.

CONCLUSIONS OF LAW

- 1) Because there is no emergency from March 2024 to alleviate, the matter of the Appellant's March 2024 application for Emergency Assistance electric benefits is moot.
- 2) The Respondent failed to act on the Appellant's May 07, 2024 EA application by the May 10, 2024 due date, established by policy.
- 3) Because the Respondent failed to act on the Appellant's May 07, 2024 EA application, the Respondent must immediately evaluate the Appellant's Emergency Assistance eligibility.

DECISION

It is the decision of the State Hearing Officer to **REMAND** the matter to the Respondent to evaluate the Appellant's May 07, 2024 Emergency Assistance eligibility.

ENTERED this 29th day of May 2024.

Angela D. Signore
State Hearing Officer