



May 31, 2024

[REDACTED]

RE: [REDACTED] v. WVDOHS/BFA
ACTION NO.: 24-BOR-2174

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,

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

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

cc: Amanda Simmons/Jenny Tingler, WVDOHS/BFA

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

██████████,

Appellant,

v.

Action Number: 24-BOR-2174

**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 29, 2024.

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

At the hearing, the Respondent appeared by Amanda Simmons, Economic Service Supervisor. The Appellant appeared *pro se*. The witnesses were sworn, and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Application for Low Income Energy Assistance Program (LIEAP), signed January 16, 2024 and date stamped received January 18, 2024
- D-2 Electric service information
- D-3 Request for Verification (DFA-6), dated January 24, 2024
- D-4 Notice of denial, dated February 12, 2024
- D-5 Copy of wood receipt verification, stamped received on February 20, 2024
- D-6 Photograph of wood receipt
- D-7 Photographs of ██████████ Office lobby

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 the 2024 LIEAP program on January 18, 2024. (Exhibit D-1)
- 2) On January 24, 2024, the Respondent requested that a zero income statement and wood receipt be submitted by February 8, 2024, to complete the Appellant's LIEAP application. (Exhibit D-3)
- 3) On February 12, 2024, the Appellant was denied LIEAP program benefits for failure to return all requested information. (Exhibit D-4)
- 4) On February 20, 2024, the Appellant submitted a handwritten wood receipt statement to the local DOHS office. (Exhibit D-5)
- 5) No zero income statement was returned.
- 6) The Respondent's mail-out enrollment period for the LIEAP program ended on January 26, 2024.

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 (AGs) 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. Program operation is accomplished by automatic payments, mail-out applications, outreach, and an open application intake period for both Regular and Emergency LIEAP.

WV IMM, Chapter 21, §21.4.1, *Introduction*, in part:

The LIEAP mail-out contains an application form (DFA-LIEAP-1), an instruction sheet (DFALIEAP-1a). It is mailed to any household which received LIEAP during the previous LIEAP season. These applications are mailed prior to the program start date. The client may choose to return the completed form and information by mail or complete it online by use of West Virginia WV PATH.

WV IMM, Chapter 21, §21.3.1.C, *Vulnerability to the Cost of Home Heating*: In order to qualify for a LIEAP payment, an AG must be determined vulnerable or partially vulnerable to the cost of home heating.

WV IMM, Chapter 21, §21.3.1.C.1, Vulnerable AGs, in relevant part: Vulnerable AGs are those which must pay the primary heating cost for the home in which they reside. The expense for heating must be billed separately from the rent or mortgage payment of the residence, even if the AG combines these payments. When payments are combined, the amount billed for the heating cost must be stated on a rent receipt, lease, or other documentation ... Vulnerability also exists when the AG must pay at least a part of the cost of home heating, whether they pay just part of the cost each month or alternate payments with a third-party.

WV IMM, Chapter 21, §21.3.1.C.6, Zero Income Clients, in relevant part: When zero income clients report that their home heating costs are being paid by someone else, vulnerability can be determined by the manner in which the heating costs are being paid. Clients who report zero income but have someone else not living in the household who makes payment for the entire cost of home heating to the vendor on behalf of the client are considered invulnerable and therefore ineligible for LIEAP benefits ... Clients whose only income is a contribution for heating costs from an individual outside of the AG are considered vulnerable and are not considered zero income clients.

WV IMM, Chapter 21, §21.3.1.G, Time Limits: Action must be taken to approve or deny a Regular LIEAP application within 30 days of the date it is received for processing by the Department of Human Services (DOHS). Verification is due within 15 days of the date the information is requested. NOTE: Workers may deny an application after expiration of the verification due date when the information is not received. If the client returns the information within 30 days of the application date, the benefit may be approved without a new application. After 30 days, the client must reapply.

WV IMM, Chapter 21, §21.4.9, Verification: Verification is the process of documenting statements and information provided by the client. Although specific guidelines for verifying certain eligibility criteria are indicated below, the worker may request verification of any information provided by the client in determining eligibility for LIEAP benefits. The responsibility of the client in the eligibility determination process includes the effort to obtain required verifications. However, if the client is unsuccessful in his attempt to obtain the verification or if he has physical or mental impairments which limit his ability to perform this responsibility and he has no family members or other persons who will help him, the worker will assist the client to obtain the verification. The worker must decide when and what information must be verified or when additional information must be obtained, particularly when information provided by the client is questionable or more information is needed to complete the eligibility determination or payment process. Failure or refusal on the part of the client to obtain verification when required or requested by the worker as outlined in the instructions below will result in a denial of the application.

WV IMM, Chapter 21, §21.4.9.A, Income, in relevant part: When the client reports the AG has zero income during the month of application, he must verify how living expenses of the AG, defined as food, clothing, shelter, light, heat and incidentals, have been paid or how the AG members have managed without income for 30 days prior to the date of application. Form DFA-LIEAP-4, Zero Income Heating Cost Verification Form, must be completed by the client.

WV IMM, Chapter 21, §21.4.9.B, Vulnerability, in relevant part: Verification of vulnerability is mandatory for all zero income clients. Failure to provide this verification will result in the denial of the LIEAP application ... Bulk fuel users must submit a signed and dated bill from the bulk fuel vendor which indicates that a delivery was or will be made. When such verification cannot be provided, the client must submit the name, address or telephone number of a vendor who can verify that fuel deliveries have been made in the past or will be made for the current winter season. The worker must obtain written verification of all other arrangements not referred to above. Statements must be dated and signed. Otherwise, the decision to verify vulnerability is at the worker's discretion.

WV IMM, Chapter 21, §21.4.12, Client Notification: Clients must be notified of the eligibility decision within 30 days of the date of application. Notification is accomplished by an eligibility system-generated letter.

WV IMM, Chapter 21, §21.4.12.A, Pending Regular LIEAP Applications: Regular LIEAP clients must be allowed 15 calendar days to respond to requests from the worker for additional information. Failure to respond results in denial of the application. The worker must notify the client of the eligibility decision within 30 days of the date of application.

DISCUSSION

LIEAP applications are mailed to households who received LIEAP benefits the previous year as part of an outreach program and are mailed prior to the program start date. Applications that are mailed to previous LIEAP recipients must be submitted by the deadline established on the outreach form which was January 26, 2024 for the 2024 LIEAP program. If verification is deemed necessary, the applicant must be given 15 days from the date of the request to return all of the requested information.

The Appellant submitted his 2024 LIEAP application on January 18, 2024. On January 24, 2024, the Respondent requested that a zero income statement and wood receipt be returned by February 8, 2024, to complete the Appellant's LIEAP application. The Appellant failed to do so. On February 12, 2024, the Respondent sent notification to the Appellant that his LIEAP application was denied due to his failure to return the requested information. On February 20, 2024, the Respondent received verification of the Appellant's purchase of bulk wood. No zero income statement was returned.

The Appellant testified that his cousin returned the information on either January 29 or February 1, 2024, to the local office, and took a photograph of the documents prior to submitting them as proof of submission. The Appellant averred that the Respondent's worker lost the documents. However, this alleged photographic evidence consisted only of a handwritten wood receipt taken at his cousin's home without any evidence of submission to the local office. Additionally, the alleged photographic evidence did not show a completed zero income form. Ms. Simmons did testify that a full search was made for the documents and only the February 20, 2024 wood receipt was located.

There was no evidence presented to show that the Appellant returned all the requested verifications needed to process his 2024 LIEAP application. Because the Appellant failed to submit the requested verifications prior to the February 8, 2024 deadline, the Respondent's decision to deny the Appellant's January 18, 2024, LIEAP application is affirmed.

CONCLUSIONS OF LAW

- 1) Applications that were mailed to previous LIEAP recipients were due by January 26, 2024.
- 2) The Appellant was required to return verifications by February 8, 2024, but failed to do so.
- 3) The Respondent correctly denied the Appellant's January 18, 2024 LIEAP application.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to deny the Appellant's January 18, 2024 LIEAP program benefits.

ENTERED this 31st day of May 2024.

Lori Woodward, Certified State Hearing Officer