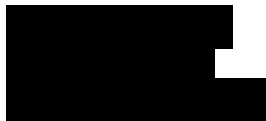




July 23, 2024



RE: [REDACTED] v. WVD_oHS
ACTION NO.: 24-BOR-2729

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 people 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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

cc: Ben Sokol, DoHS
India Graham, DoHS

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

████████████████████,

Appellant,

v.

Action Number: 24-BOR-2729

**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 West Virginia Office of Inspector General Common Chapters Manual. This fair hearing was convened on July 22, 2024.

The matter before the Hearing Officer arises from the Respondent's denial of the Appellant's July 16, 2024, Emergency Assistance application.

At the hearing, the Respondent appeared by Ben Sokol, Economic Service Worker, WVDoHS. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Notice of Decision dated July 17, 2024
- D-2 West Virginia Income Maintenance Manual Chapter 20.2.4.B.2
- D-3 Emergency Assistance application submitted to Respondent on July 16, 2024

Appellant's Exhibits:

- A-1 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 Emergency Assistance (EA) benefits for her terminated electric services on July 16, 2024 (D-1).
- 2) Upon receipt of the application, the Respondent's worker contacted Appalachian Electric Power and determined that the Appellant's electricity had been disconnected on May 9, 2024.
- 3) The Respondent denied the Appellant's Emergency Assistance application because her electricity had been disconnected for more than 30 days.
- 4) The Respondent sent the Appellant a Notice of Decision on July 17, 2024, informing her that her Emergency Assistance application was denied (Exhibit D-1).

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 20.2.4.B.2 (Exhibit D-2) states:

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. Supervisory approval is required to make an exception to this requirement when the Assistance Group is otherwise eligible and the service has been terminated for more than 30 days. Exceptions may only be granted on a case-by-case basis when the extenuating circumstances warrant it. These include, but are not limited to, delayed application due to illness or disability, and other situations that are beyond the client's control.

West Virginia Income Maintenance Manual Chapter 20.2.2.A states:

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. See Specific Items of Need in Section 20.2.4 for specific requirements.

DISCUSSION

Policy states that when a utility service, other than telephone service, has been disconnected, an application for EA must be made within 30 days of the date the service was terminated to meet the emergency need requirement.

The Respondent contended that the Appellant's July 16, 2024, EA application did not meet the emergency need requirement because her electricity had been disconnected for more than 30 days.

The Appellant did not dispute the termination of service date but indicated that she now owes around \$1,300 to the electric company and needs assistance.

As the Appellant did not apply for EA benefits within 30 days of her electrical service disconnection, the Respondent's decision to deny her application is correct.

CONCLUSIONS OF LAW

- 1) Policy requires that an application for EA for a terminated utility service must be made within 30 days of the date the service was terminated to meet the emergency need requirement.
- 2) The Appellant's electrical service was disconnected on May 9, 2024.
- 3) The Appellant did not apply for EA benefits for the disconnected service until July 16, 2024.
- 4) The Respondent's decision to deny EA benefits is correct.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to deny Emergency Assistance benefits.

ENTERED this 23rd day of July 2024.

**Pamela L. Hinzman
State Hearing Officer**