



July 17, 2024

[REDACTED]

RE: [REDACTED] v. WVDoHS
ACTION NO.: 24-BOR-2488

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: Cori Dawson, Department Representative / April Wilson, Department Representative

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

██████████,

Appellant,

v.

Action Number: 24-BOR-2488

**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 July 11, 2024, upon a timely appeal filed on June 18, 2024. Upon request from the Appellant, the record was kept open until July 15, 2024, for the Appellant to provide additional evidence and to allow a Department reply to that evidence.

The matter before the Hearing Officer arises from the April 4, 2024 decision by the Respondent to deny Low Income Energy Assistance Program (LIEAP) payment.

At the hearing, the Respondent appeared by Cori Dawson. The Appellant was self-represented. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

D-1 Case summary

D-2*

D-3 Notice dated April 4, 2024
Hearing request form
Hearing request notification form
Notice dated March 15, 2024

D-4 Case comments (screen prints)
Entries dated March 15, 2024, through June 21, 2024

Appellant's Exhibits:

A-1 Forwarded email dated March 27, 2024

*D-2 was a copy of the scheduling order and was not admitted

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 February 27, 2024.
- 2) The Respondent processed this application on March 15, 2024. (Exhibit D-4)
- 3) The Respondent mailed the Appellant a notice (Exhibit D-3) dated March 15, 2024, listing verifications needed to establish the Appellant's eligibility for LIEAP.
- 4) This notice (Exhibit D-3) requested the Appellant "...provide a copy of your gas and electric bill," and set a deadline for the Appellant to provide the information by April 1, 2024.
- 5) The notice (Exhibit D-3) indicated that if the information was not provided by the deadline, the Appellant's "...application will be denied."
- 6) The Appellant did not provide the requested bill by the deadline.
- 7) The Respondent mailed the Appellant a notice (Exhibit D-3) dated April 4, 2024, denying LIEAP payment because the Appellant "...Did not provide PSC-regulated utility account number."

APPLICABLE POLICY

The West Virginia Income Maintenance Manual (WVIMM), Chapter 21, addresses LIEAP, and at §21.3.1.F, provides, in part:

21.3.1.F Customer Account Number

The customer must provide a copy of their electric bill, the bill of their main heating source and the name of their heating vendor at the time of application or within 15 calendar days following the date the information is requested. A list of Public Service Commission (PSC)-regulated utility vendors is provided in Appendix B. Customers of vendors not listed must be issued a direct payment.

DISCUSSION

The Appellant requested a hearing to contest the decision of the Respondent to deny the Appellant's application for Low Income Energy Assistance Program (LIEAP) payment. The Respondent must show by a preponderance of the evidence that its decision was correct.

The Appellant applied for LIEAP on February 27, 2024, and the Respondent processed the Appellant's application on March 15, 2024. The Respondent worker determined that additional information was necessary to process the Appellant's application and issued a verification checklist to the Appellant asking for this information. The letter provided a deadline and explained that the application would be denied if the information was not provided. The Appellant provided one of the requested items, but not the requested 'gas and electric bill'. The Respondent denied the Appellant's LIEAP application on this basis.

The Appellant contended he provided all of the necessary information. He testified that he could provide an email showing that he provided the requested bill. The Appellant did not have this information with him on the day of the hearing, but stated he could obtain it. The record was left open for two additional business days – one for the Appellant to provide this email, and the other to allow a Respondent reply. The Appellant forwarded an email from March 27, 2024 (Exhibit A-1), with two attachments. The first attachment is a photograph of the March 15, 2024 verification checklist letter from the Respondent. The second attachment is a photograph of a completed form used to verify 'zero income' for a household. The evidence from the Appellant only reiterated two facts established during the hearing: the Respondent asked the Appellant for two items to process his application, and the Appellant only provided one of them. Both items were necessary to process the application and the Respondent was correct to deny the Appellant's LIEAP application for the failure to provide the requested bill.

During the hearing, the Appellant argued that the Respondent's decision was incorrect because the language in the verification checklist ('gas and electric bill') did not match the language used in the denial letter ('PSC-regulated utility account number'). However, policy requires both and treats them as intertwined. Although it is unlikely that a utility would issue a bill without an account number, a hypothetical applicant submitting such a bill would result in the Respondent being unable to properly credit the applicant's account. A hypothetical applicant providing an account number without the bill could be providing the account number for a friend or family member, necessitating the provision of both as a safeguard against fraud. It is likely the policy intent is that the account number is necessary, and that the utility bill is the only acceptable verification of the account number. Regardless of intent, the Respondent proved that it denied the Appellant's LIEAP application for failure to provide the information required by policy (WVIMM §21.3.1.F), and the Respondent's decision is affirmed.

CONCLUSIONS OF LAW

- 1) Because the Appellant's application lacked verifications necessary to establish eligibility, the Respondent must request that information in a verification checklist.
- 2) Because the Appellant did not provide all information needed and requested on the verification checklist, the Respondent must deny the Appellant's LIEAP 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 based on the failure to provide necessary verifications.

ENTERED this 17th day of July 2024.

**Todd Thornton
State Hearing Officer**