



February 13, 2025

[REDACTED]

RE: [REDACTED] v. WVDoHS
ACTION NO.: 25-BOR-1067

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,

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

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

cc: Leslie Bonds, WVDoHS

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

[REDACTED]

Appellant,

v.

Action Number: 25-BOR-1067

**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 [REDACTED]. 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 February 11, 2025.

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

At the hearing, the Respondent was represented by Leslie Bonds, Economic Services Supervisor, WVDoHS. The Appellant appeared *pro se*. All witnesses were sworn, and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Request Notification Form
- D-2 Fair Hearing Request Form
- D-3 Low Income Energy Assistance Program application submitted on November 27, 2024
- D-4 [REDACTED] statement from [REDACTED]
- D-5 Verification Checklist dated November 27, 2024
- D-6 Zero Income/Home Heating Cost Verification Form
- D-7 Electric bill from [REDACTED]
- D-8 Notice of Decision dated December 17, 2024
- D-9 West Virginia Income Maintenance Manual Chapter 21.3.1.C.6

- D-10 Original Low Income Energy Assistance Program application sent to Appellant on November 4, 2024
- D-11 Hearing Summary

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 November 27, 2024 (Exhibit D-3).
- 2) The Appellant reported zero income on her LIEAP application and provided a copy of her [REDACTED] bill with the application (Exhibits D-3 and D-4).
- 3) The Respondent sent the Appellant a Verification Checklist on November 27, 2024, requesting that she complete the enclosed Zero Income/Home Heating Cost Verification Form to determine her vulnerability for a home heating expense by December 12, 2024. The Respondent also requested a copy of the Appellant's electric bill (Exhibits D-5 and D-6).
- 4) The Appellant submitted her electric bill on December 12, 2024 (Exhibit D-7).
- 5) The Appellant failed to submit the Zero Income/Home Heating Cost Verification Form to the Respondent.
- 6) The Respondent sent the Appellant a Notice of Decision on December 17, 2024, indicating that LIEAP benefits were denied based on failure to submit all requested verification (Exhibit D-8).

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 21.3.1.C states that to qualify for a LIEAP payment, an Assistance Group (AG) must be determined vulnerable or partially vulnerable to the cost of home heating.

West Virginia Income Maintenance Manual Chapter 21.3.1.C.1, Vulnerable AGs:

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.

AGs may also be considered vulnerable if there has been a documented increase in a rent or mortgage payment due to increased fuel costs. The increase does not have to be permanent if the only reason for the increase is winter heating.

Clients who are temporarily away from home for medical, educational, or employment purposes, and who still must pay a heating cost for the dwelling, are considered vulnerable. This includes nursing home residents who are still maintaining a home and have a heating cost.

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. The AG is partially vulnerable when a surcharge for excessive usage is already added or can reasonably be anticipated to be added to the rent amount.

West Virginia Income Maintenance Manual Chapter 21.3.1.C.2, Invulnerable AGS:

Invulnerability means the AG has no home heating costs or is not responsible for payment of the heating cost. Clients who live in state institutions, hospitals and certain group living facilities, such as halfway houses and domestic violence centers, and those whose home heating costs are paid by a third-party, are considered invulnerable.

West Virginia Income Maintenance Manual Chapter 21.3.1.C.6 states that 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 the 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.

West Virginia Income Maintenance Manual Chapter 21.4.9.B states that verification of vulnerability is mandatory for all zero income clients. Failure to provide this verification will result in the denial of the LIEAP application.

West Virginia Income Maintenance Manual Chapter 1.2.4 states that the client's responsibility is to provide complete and accurate information about his circumstances so that the worker is able to make a correct determination about his eligibility.

DISCUSSION

Policy states that to qualify for a LIEAP payment, an Assistance Group must be determined vulnerable or partially vulnerable for the cost of home heating. Verification of vulnerability is mandatory for all zero income clients. Failure to provide this verification will result in the denial of the LIEAP application.

The Respondent's representative, Economic Services Supervisor Leslie Bonds, contended that the Appellant's application was denied because she failed to submit the Zero Income/Home Heating Cost Verification Form requested on the Verification Checklist. Without the information, the Respondent could not determine whether the Appellant was vulnerable for the cost of home heating. Ms. Bonds indicated that the Appellant would need to submit the form if she applies for Emergency LIEAP benefits once the program begins.

The Appellant acknowledged that she failed to submit the Zero Income/Home Heating Cost Verification Form but testified that she was feeling overwhelmed and forgot. She stated that she was unsure of what she needed to verify. The Appellant indicated that she would provide the form to the Respondent.

As the Appellant failed to submit documentation to verify her vulnerability for the cost of home heating, the Respondent's decision to deny her LIEAP application is affirmed.

CONCLUSIONS OF LAW

- 1) Zero income LIEAP applicants must verify their vulnerability for the cost of home heating.
- 2) The Appellant was required to submit a Zero Income/Home Heating Cost Verification Form to the Respondent by December 12, 2024, to verify her vulnerability for heating costs.
- 3) The Appellant failed to submit the required documentation.
- 4) The Respondent's action to deny the Appellant's LIEAP application is correct.

DECISION

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

ENTERED this 13th day of February 2025.

**Pamela L. Hinzman
State Hearing Officer**