



February 13, 2025

[REDACTED]

RE: [REDACTED] v. DoHS/BFA
ACTION NO.: 25-BOR-1154

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,

Kristi Logan
Certified State Hearing Officer
Member, State Board of Review

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

cc: Margaret Fain, [REDACTED] DoHS

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

██████████,

Appellant,

v.

Action Number: 25-BOR-1154

**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 February 11, 2025.

The matter before the Hearing Officer arises from the January 6, 2025, 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 Margaret Fain, ██████████ DoHS. The Appellant appeared *pro se*. Appearing as a witness for the Appellant was his wife, ██████████. The witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

D-1 Receipts

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 LIEAP benefits for bulk fuel on November 22, 2024.
- 2) On December 16, 2024, the Respondent sent a request for verification of a bulk fuel purchase to the Appellant to be returned by December 31, 2024.
- 3) The Appellant submitted a receipt for the purchase of wood to the Respondent on December 26, 2024 (Exhibit D-1).
- 4) The receipt did not include a date of purchase (Exhibit D-1).
- 5) The Respondent issued a notice of denial on January 6, 2025, to the Appellant advising that his LIEAP application had been denied as he did not turn in all requested information.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 21 explains LIEAP eligibility:

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.

21.4.9.B Vulnerability

Verification of vulnerability for clients who have home heating vendors regulated by the Public Service Commission (PSC) is satisfied when the customer account number is entered on the application form and verified by the attached bill, provided the account is active. This account number must be entered on the application unless the client can demonstrate that other circumstances exist (i.e., home heating costs are paid to the landlord).

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.

West Virginia Income Maintenance Manual Chapter 1 explains the application process:

1.3.1.A.3 Request for Information and/or Verification Checklist DFA-6

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 applicant's 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.

DISCUSSION

Policy stipulates that to qualify for LIEAP, an assistance group must be determined vulnerable or partially vulnerable to the cost of home heating. Vulnerable assistance groups are those which must pay the primary heating cost for the home in which they reside. Assistance groups applying for LIEAP for bulk fuel must submit a signed and dated bill from the bulk fuel vendor which indicates that a delivery was or will be made.

The Respondent denied the Appellant's LIEAP application for wood when he failed to provide the requested verification. Margaret Fain, witness for the Respondent, testified that the receipt for wood that the Appellant provided did not have a date of purchase. Ms. Fain testified that receipts for bulk fuel must be signed and dated to verify the vulnerability requirement for LIEAP.

The Appellant testified that the Respondent never required dated receipts for LIEAP previously, contending that he usually does not receive receipts when purchasing wood. The Appellant stated that in the upper right corner of the receipt, there appears to be some numbers but conceded that it does not appear to be a date.

The verification checklist that was mailed to the Appellant requesting a receipt for wood was not provided as evidence. Pursuant to policy, when there is insufficient information to make a decision regarding eligibility, it is necessary to complete form DFA-6 or verification checklist to inform the applicant of the additional information needed. 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. There was no testimony from either party confirming that the verification checklist requested a signed and dated receipt for wood. Without the verification checklist as evidence, the Respondent failed to establish that the Appellant was aware of the dated receipt requirement and failed to provide the information as requested.

Whereas the Respondent failed to show by a preponderance of the evidence that the Appellant was properly notified of the information needed to establish eligibility for LIEAP benefits, the decision to deny the Appellant's application cannot be affirmed.

CONCLUSIONS OF LAW

- 1) When there is insufficient information to make an eligibility determination, a verification checklist is sent to the applicant stating what information is needed and the date the information is to be returned.
- 2) The Respondent sent a verification checklist to the Appellant requesting a receipt for the purchase of bulk fuel.
- 3) The receipt provided by the Appellant for the purchase of wood was undated.
- 4) There was no testimony or evidence presented to confirm that the verification checklist indicated that a dated receipt for bulk fuel was needed.
- 5) The Respondent failed to properly notify the Appellant of the information needed to determine eligibility for LIEAP.
- 6) The Respondent's denial of the Appellant's LIEAP application cannot be affirmed.

DECISION

It is the decision of the State Hearing Officer to **reverse** the decision of the Respondent to deny the Appellant's application for Low Income Energy Assistance Program benefits. The matter is **remanded** for the issuance of a verification checklist citing the specific items needed to determine eligibility and to allow the Appellant the opportunity to provide the requested documentation.

ENTERED this 13th day of February 2025.

Kristi Logan
Certified State Hearing Officer