



February 18, 2025

REMOVED

RE: **REMOVED** v. WVDOHS
ACTION NO.: 25-BOR-1167

Dear **REMOVED**:

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: Emily Boggess, Department Representative

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

REMOVED,

Appellant,

v.

Action Number: 25-BOR-1167

**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 **REMOVED**. 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, upon a timely appeal filed on January 27, 2025.

The matter before the Hearing Officer arises from the January 2, 2025 decision by the Respondent to deny the Appellant's application for Low Income Energy Assistance Program (LIEAP) benefits due to unverified income.

At the hearing, the Respondent appeared by Ryan Thayer. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

EXHIBITS

Department's Exhibits:

- | | |
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| D-1 | Hearing request form |
| D-2 | Statement accompanying hearing request, date-stamped January 27, 2025 |
| D-3 | LIEAP application, date-stamped December 2, 2024 |
| D-4 | Verification checklist, dated December 11, 2024
Verification checklist, dated December 12, 2024 |

- D-5 Excerpted case comment entries regarding the Appellant's case
- D-6 Notice of decision, dated January 2, 2025
- D-7 Printed image of a written self-employment statement from the Appellant
Email date: January 27, 2025
- D-8 Excerpt from the West Virginia Income Maintenance Manual

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 submitted a LIEAP application on December 2, 2024. (Exhibit D-3)
- 2) The Respondent worker contacted the Appellant on December 11, 2024, to conduct an eligibility interview in conjunction with this application. (Exhibit D-5)
- 3) The Respondent worker determined additional information regarding the Appellant's self-employment income was needed and issued a verification checklist (Exhibit D-4) dated December 11, 2024, with a deadline of December 26, 2024 for the Appellant to provide the requested information.
- 4) The Respondent generated a second verification checklist, dated December 12, 2024 (Exhibit D-4) but also with a December 26, 2024 deadline.
- 5) LIEAP policy allows an application closed due to unverified information to be subsequently reopened without a new application if that information is provided within 30 days of the application date, or January 1, 2025, in the Appellant's case.
- 6) The verification checklists (Exhibit D-4) to the Appellant provided detailed lists of delivery options for providing the requested information, including a physical address, a mailing address, an email address, and a fax number.
- 7) All delivery options listed (Exhibit D-4) direct the Appellant to the Respondent's local, or REMOVED County, office.

- 8) None of the delivery options (Exhibit D-4) provide a “Charleston office” delivery address, in physical, mailing, or email form.
- 9) The Appellant testified she provided self-employment verification as requested but could not clearly specify a date she provided the information or a location other than a “Charleston office.”
- 10) The Respondent did not receive the requested information from the Appellant by the December 26, 2024 deadline, or within 30 days of the date of her application (before January 1, 2025).
- 11) The Respondent issued a notice dated January 2, 2025 (Exhibit D-6) to the Appellant advising that her application for LIEAP was denied because the Appellant “did not provide all needed information.”

APPLICABLE POLICY

West Virginia Income Maintenance Manual § 21.3.1.G provides LIEAP time limits as follows:

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.

DISCUSSION

The Appellant is contesting the Respondent's denial of LIEAP benefits. The Respondent denied the Appellant's LIEAP application for failure to provide requested information – self-employment verification – by a set deadline. The Respondent must show by a preponderance of the evidence that it correctly denied the Appellant's LIEAP application on this basis.

The Appellant submitted an application for LIEAP on December 2, 2024. This application was reviewed with the Respondent worker in a required interview conducted on December 11, 2024. During the interview, the Respondent worker determined that self-employment income verification from the Appellant was needed to make an eligibility determination. The Respondent worker issued a verification checklist to the Appellant, dated December 11, 2024 (A duplicate was issued on December 12, 2024). This checklist provided a December 26, 2024 deadline for

submitting the self-employment income verification. The checklist listed numerous ways to submit the requested information, all directed to the Appellant's local county office. The Appellant could not clearly specify a date she provided the information but testified that she provided it before it was due and to a "Charleston address" she could not recall. The Respondent did not receive this information and properly instructed the Appellant where to deliver the information. The Appellant testified that she took a photograph of the information before she provided it and emailed that photograph to the Respondent. The photograph itself does nothing to pin down the initial date it was submitted, or to whom it was submitted. The most reliable date for the provision of this photograph is a date that appears to have been generated by the Respondent's email server on January 27, 2025. The Appellant claimed that she did not receive the Respondent's January 2, 2025 denial notice until January 27, 2025, and requested a relaxed deadline because of the Respondent's alleged delays. The Board of Review is unable to grant policy exceptions, including modifying or extending deadlines set by policy.

The reliable evidence and testimony from the hearing showed that the Appellant did not return information needed to process her LIEAP application by the verification checklist deadline (December 26, 2024) or within 30 days of her application date (January 1, 2025). The Respondent correctly denied the Appellant's LIEAP application on this basis. The Respondent's denial of the Appellant's LIEAP application is affirmed.

CONCLUSIONS OF LAW

- 1) Because additional information was needed to process the Appellant's LIEAP application, the Respondent must issue a verification checklist to request that information.
- 2) Because the verification checklist set a deadline the Appellant did not meet, the Respondent correctly denied the Appellant's LIEAP application.
- 3) Because the Appellant also did not meet a deadline to provide this information within 30 days of the LIEAP application date, the Respondent could not approve the Appellant after the initial denial without a new application.
- 4) The Board of Review is unable to modify existing policy, including the policy setting deadlines for LIEAP.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's denial of the Appellant's LIEAP benefits based on the Appellant's failure to return requested information in a timely manner.

ENTERED this ____ day of February 2025.

Todd Thornton
State Hearing Officer