



February 18, 2025

**REMOVED**

RE: **REMOVED** v. DoHS/BFA  
ACTION NO.: 25-BOR-1213

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,

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

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

cc: Angela Mitchem, **REMOVED** DoHS

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

**REMOVED**

**Appellant,**

**v.**

**Action Number: 25-BOR-1213**

**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 18, 2025.

The matter before the Hearing Officer arises from the December 9, 2024, 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 Angela Mitchem, **REMOVED** DoHS. The Appellant appeared *pro se*. The witnesses were placed under oath and the following documents were admitted into evidence.

**Department's Exhibits:**

None

**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 on November 12, 2024.
- 2) The Respondent discovered another case with the same address as the Appellant in its eligibility system with additional household members listed.
- 3) On November 20, 2024, the Respondent sent a verification checklist to the Appellant to provide documentation from her landlord of her household composition.
- 4) The verification was to be returned by December 5, 2024.
- 5) The Appellant contacted the Respondent's Customer Service Center on December 5, 2024, to inquire about the status of her LIEAP application.
- 6) The Appellant was advised that the application was pending for verification of household composition.
- 7) On December 6, 2024, the Respondent sent a notice of denial to the Appellant advising that her LIEAP application had been denied for failure to provide the requested information.
- 8) The Appellant contacted the Respondent on December 9, 2024, regarding Emergency Assistance benefits. The Appellant was advised of the information that was needed for LIEAP, and a copy of the verification checklist was left with the receptionist of the local office.
- 9) The Appellant submitted a statement from her landlord verifying her household composition on December 19, 2024.

## **APPLICABLE POLICY**

West Virginia Income Maintenance Manual Chapter 21 explains LIEAP eligibility:

### **21.3.1.B Assistance Group (AG)**

The AG consists of any individual or group of individuals who are living together in the same dwelling and for whom residential home heating is customarily purchased in common or for whom home heating is included in a rent or mortgage payment as a specified amount. It is the responsibility of the client to list all individuals who are living in the home, regardless of whether or not they are family members or whether or not they share the cost of home heating. For the purpose of LIEAP eligibility, all household members are considered one AG.

#### **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.

#### **21.4.12.A Pending Regular LIEAP Applications**

Regular LIEAP clients must be allowed 15 calendar days to respond to requests from the Worker for additional information. Failure to respond results in denial of the application. The Worker must notify the client of the eligibility decision within 30 days of the date of application.

### **DISCUSSION**

Policy stipulates that all individuals residing in the same household are considered the same assistance group for LIEAP. The Respondent denied the Appellant's application for LIEAP when verification of her household composition was not provided within 30 days of the date of application.

The Appellant applied for LIEAP on November 12, 2024. Angela Mitchem, witness for the Respondent, testified that it is protocol to conduct an address search in the eligibility system with each LIEAP application received. Ms. Mitchem stated another case using the Appellant's address was found in its system that listed additional household members. Ms. Mitchem contended that a verification checklist was mailed to the Appellant on November 20, 2024, requesting verification from her landlord of her household composition. The application was denied on December 6, 2024, when the information had not been received.

The Appellant testified that she did not receive the verification checklist and learned the application was pending when she contacted the Respondent about the status of the application. The Appellant contended that a copy of the verification checklist was mailed to her, but she was unable to reach her landlord until late December to get a statement. The Appellant stated she turned in the statement from her landlord the same day it was completed.

Policy allows 15 calendar days for LIEAP applicants to respond to requests for verification. Failure to provide the requested verification results in the denial of the application. If verification is submitted after 15 days but within 30 days of the date of the LIEAP application, the application may be approved. The Appellant failed to provide the requested verification within the 30-day time frame allowed by policy.

Whereas the Appellant failed to provide the required verification within 30 days of the date of application, the Respondent acted in accordance with policy in the denial LIEAP benefits.

### **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 requested that the Appellant provide verification of her household composition by December 5, 2024.
- 3) The Appellant's application was denied on December 6, 2024, when the requested information had not been received.
- 4) The Appellant submitted a statement from her landlord to the Respondent on December 19, 2024, over 30 days from the date of application.
- 5) The Respondent's decision to deny the Appellant's LIEAP application is affirmed.

### **DECISION**

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to deny the Appellant's Low Income Energy Assistance Program benefits.

**ENTERED this 18<sup>th</sup> day of February 2025.**

---

**Kristi Logan**  
**Certified State Hearing Officer**