



February 18, 2025

REMOVED

RE: **REMOVED** v. WV DoHS/BFA
ACTION NO.: 25-BOR-1220

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,

Lori Woodward, J.D.
Certified State Hearing Officer
Member, State Board of Review

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

cc: Anna Yoder, WV DoHS/BFA

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

REMOVED

Appellant,

v.

Action Number: 25-BOR-1220

**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**
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 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 Noelle Moore, Economic Service Worker Senior. The Appellant appeared *pro se*. The witnesses were sworn, and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Request for Verification (DFA-6), dated December 5, 2024
- D-3 Notice of denial, dated December 26, 2024

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) On November 27, 2024, the Appellant applied for the 2024 LIEAP program reporting his heating source as wood. (Exhibit D-1)
- 2) On December 5, 2024, the Respondent requested that a receipt for the purchase of wood be submitted by December 20, 2024, to complete the Appellant's LIEAP application. (Exhibit D-2)
- 3) The Appellant failed to provide the requested verification.
- 4) On December 26, 2024, the Appellant was notified of his LIEAP program application denial. (Exhibit D-3)
- 5) On January 28, 2025, the Appellant submitted a receipt for a wood pellet purchase to the local DoHS office.

APPLICABLE POLICY

WV Income Maintenance Manual (IMM), Chapter 21, §21.1, *Introduction, in part:*

The Low-Income Energy Assistance Program (LIEAP) provides financial assistance to eligible assistance groups (AG) responsible for a home heating cost. It is not the purpose of this program to meet the entire cost of home heating during the winter season; it is designed to partially offset the cost. ... The program is time-limited and dependent on the availability of federal funds. It is subject to closure without prior notice when funds are deemed to have been exhausted. Funds are normally disbursed on a first-come, first-served basis, but may also be subject to disbursement based on need. When this occurs, priority is given to those groups of clients with the greater energy burden as demonstrated by income, AG size and heating cost.

WV IMM, Chapter 21, §21.4.9, *Verification, in part:*

Verification is the process of documenting statements and information provided by the client ... The responsibility of the client in the eligibility determination process includes the effort to obtain required verifications ... 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.

WV IMM, Chapter 21, §21.3.1.G, *Time Limits, in part:*

Action must be taken to approve or deny a Regular LIEAP application within 30 days of the date it is received for processing. 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.

WV IMM, Chapter 21, §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

On November 27, 2024, the Appellant applied for 2024 LIEAP benefits reporting his heating source as wood. On December 5, 2024 the Respondent requested the Appellant to provide a wood receipt to be returned by December 20, 2024, in order to complete his LIEAP application. The Appellant failed to do so. On December 26, 2024, the Appellant was notified of his LIEAP program application denial. On January 28, 2025, the Respondent received verification of the Appellant's purchase of wood pellets.

The Appellant testified that he purchases wood pellets beginning in January through April. The Appellant stated that he did not know anything about needing the receipt for his LIEAP application. The Respondent's representative, Noelle Moore, testified that a receipt was returned by the Appellant on January 28, 2025, however, it was beyond the 30-day time limit allowed by policy.

Policy does allow a late return of requested verification for the LIEAP program. However, the policy only allows for the extension of time to be 30 days from the date of application, anything later requires denial. Because the Appellant failed to submit the requested verification within 30 days from his November 27, 2024 LIEAP application, the Respondent acted correctly. The Respondent's decision to deny the Appellant's 2024 LIEAP application is affirmed.

CONCLUSIONS OF LAW

- 1) A request for verification is required when there is insufficient information to make an eligibility determination.
- 2) Because the Appellant had indicated his heating source was wood, a receipt of purchase was requested on December 5, 2024, by the Respondent, to be returned by December 20, 2024.
- 3) The LIEAP program requires that applicants be given 15 days to return the requested information or at least within 30 days from the date of the application. Failure to provide the requested verification results in the denial of the LIEAP application.
- 4) The Appellant failed to return the requested verification by December 20, 2024.
- 5) The Appellant's January 28, 2025 submission was well beyond 30 days from the date of his application on November 27, 2024.
- 6) The Respondent correctly denied the Appellant's November 27, 2024 LIEAP application.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to deny the Appellant's November 27, 2024 LIEAP program application.

ENTERED this 18th day of February 2025.

Lori Woodward, Certified State Hearing Officer