



February 25, 2025

**REMOVED**

RE: **REMOVED** v. DoHS/BUREAU FOR FAMILY ASSISTANCE  
ACTION NO.: 25-BOR-1296

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: Rena Lawless, **REMOVED** DoHS

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

**REMOVED**

**Appellant,**

**v.**

**Action Number: 25-BOR-1296**

**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 25, 2025.

The matter before the Hearing Officer arises from the January 7, 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 Celeste Trigg, **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:**

A-1 Email dated December 30, 2024

A-2 Email dated December 30, 2024

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 26, 2024.
- 2) On December 19, 2024, the Respondent sent notice to the Appellant requesting that verification of earned income for the Appellant and **REMOVED** be provided by January 3, 2025.
- 3) The Respondent issued a notice of denial on January 7, 2025, advising the Appellant that her LIEAP application had been denied as the requested information had not been received.

## **APPLICABLE POLICY**

West Virginia Income Maintenance Manual Chapter 21 explains LIEAP eligibility:

### **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 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 Respondent denied the Appellant's application when she failed to provide the requested information within 30 days of the date of application.

Celeste Trigg, witness for the Respondent, testified that verification of **REMOVED** self-employment income was received via email on December 30, 2024. Ms. Trigg stated that the Appellant's paystubs were not received until January 9, 2025, over 30 days from the date of the LIEAP application.

The Appellant testified that she emailed income verification for **REMOVED** to the Respondent on December 30, 2024, and in a separate email on December 30, 2024, she provided her paystubs. The Appellant provided copies of the two emails that were sent on December 30, 2024, to the **REMOVED** County DoHS, the first was sent at 7:33 pm with **REMOVED** income and the second was sent at 7:36 pm with paystubs for the Appellant (Exhibits A-1 and A-2). The Appellant stated she emailed the information again on January 9, 2025, when she learned her paystubs had not been

received.

Whereas the Appellant provided the requested income verification for herself and **REMOVED** to the Respondent within 30 days of the date of the application, the Respondent's decision to deny LIEAP benefits cannot be affirmed.

### **CONCLUSIONS OF LAW**

- 1) Policy allows 15 calendar days for LIEAP applicants to respond to requests for verification.
- 2) If verification is submitted after 15 days but within 30 days of the date of the LIEAP application, the application may be approved.
- 3) The Appellant provided the requested income verification to the Respondent on December 30, 2024, within 30 days of the date of the LIEAP application.
- 4) The Appellant complied with verification requirements as stipulated by policy.

### **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 a determination of eligibility based on the income verification provided.

**ENTERED this 25<sup>th</sup> day of February 2025.**

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