



February 26, 2025

REMOVED

RE: **REMOVED** v. WV DoHS/BFA
ACTION NO.: 25-BOR-1313

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: Ann Hubbard, WV DoHS/BFA

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

REMOVED

Appellant,

v.

Action Number: 25-BOR-1313

**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 25, 2025.

The matter before the Hearing Officer arises from the Respondent's inclusion of the Appellant's roommate, **REMOVED** on the November 25, 2024 Low Income Energy Assistance Program (LIEAP) benefit approval notice.

At the hearing, the Respondent appeared by Ann Hubbard, Economic Service Supervisor. 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 LIEAP Application, date stamped November 14, 2024
- D-3 West Virginia Residential Lease Agreement, date stamped November 12, 2024
- D-4 Notice of approval, dated November 25, 2024
- D-5 West Virginia Income Maintenance Manual (IMM), Chapter 21, §21.3.1.B

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 25, 2024, the Appellant was approved for a one-time regular LIEAP payment of \$289 to be paid to Potomac Edison (his utility provider). (Exhibit D-4)
- 2) The Appellant resides at **REMOVED** with **REMOVED**, who is included on the residential lease agreement. (Exhibit D-3)
- 3) LIEAP policy requires 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 to be included in the LIEAP assistance group. (Exhibit D-5)

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.

WV IMM, Chapter 21, §21.3.1.B, *Assistance Group (AG)*, in part:

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. When the AG includes a person(s) who has already received a LIEAP payment as part of another AG, he is not included in the AG and his income is not counted in determining eligibility.

DISCUSSION

On November 25, 2024, the Appellant was approved for a one-time payment of \$289 in regular LIEAP benefits to his utility provider, **REMOVED**. The Appellant questioned the inclusion of his roommate on his approval notice. LIEAP policy requires individuals who live in the same dwelling which the home heating is customarily purchased in common to be included in the AG.

The Appellant also asserted that retaliatory actions were taken for filing a fair hearing request as his last utility statement did not include any LIEAP payments. The Appellant mistakenly thought that the LIEAP program provided payments throughout the entire heating season. It was explained to the Appellant that the regular LIEAP program issues a one-time payment for eligible households.

Additionally, the Appellant was concerned that the inclusion of his roommate in his LIEAP benefits case would affect his other public assistance benefits such as his Supplemental Nutrition Assistance Program and Medicaid benefits. The Appellant asserted that he was included in his roommate's benefit notices and thus questioned the accuracy of the calculations used for his other benefits and whether his roommate was also included as an assistance group member for those benefits. The Appellant asserted that his name should not be included in any of his roommate's notices for her benefits and vice versa.

As the issue for hearing today concerned his protest of his November 25, 2024 LIEAP approval as noted in the February 11, 2025 Scheduling Order, the other asserted issues regarding his SNAP and Medicaid benefits were not considered for this hearing. However, the Respondent's representative, Ann Hubbard, offered to review the Appellant's other benefit cases for accuracy of information after the hearing today and report to the Appellant later this week. The Appellant agreed and was appreciative. The Appellant was advised that if he is dissatisfied with the outcome of the review of his other benefit cases, he could request a fair hearing on the matter.

As the LIEAP policy requires all individuals living in the same dwelling for whom residential home heating is customarily purchased in common, the November 25, 2024 LIEAP approval including his roommate in the AG, was correct.

CONCLUSION OF LAW

Whereas the Appellant and his roommate are considered one assistance group for the purposes of LIEAP benefits per policy, the Respondent correctly included his roommate in the November 25, 2024 LIEAP approval notice.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to include the Appellant's roommate in the November 25, 2024 LIEAP program approval.

ENTERED this 26th day of February 2025.

Lori Woodward, Certified State Hearing Officer