

19.6 LOW-INCOME ENERGY ASSISTANCE PROGRAM (LIEAP)

A. INTRODUCTION

The Low Income Energy Assistance Program (LIEAP) provides financial assistance to eligible households that are 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, but 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-serve basis, but may also be subject to disbursement based on need. Priority will be given to those groups of individuals with the greater energy burden as demonstrated by income, household size and heating cost.

B. LIEAP PROGRAM OPERATION

An overview of the LIEAP operational components is provided below.

1. Mail-Out Applications

The LIEAP mail-out contains an application form and an instruction sheet. This is mailed to targeted households, usually those which have at least one person age 60 or older, but could also include those with one or more disabled persons of any age, at least one child under the age of 6, or any household which received LIEAP during the last LIEAP season. These applications are mailed prior to the program starting date.

2. Outreach

a. The Department's Role

Outreach is a federal requirement to insure that potentially eligible, low-income households are made aware of and are encouraged to apply for program benefits. Outreach is accomplished as follows:

- Applications mailed as described above
- LIEAP informational leaflets provided to all appropriate agencies and interested individuals
- Contracts with Area Agency on Aging offices and the State Office of Economic Opportunity which permit senior citizen centers, local Community Action agencies, homeless shelters, and/or other interested parties to receive LIEAP applications or provide information and referral services as desired
- Statewide media releases and provision of program data to information and referral service organizations

b. Role of the Sub-Grantee Agency

If the sub-grantee organization wishes to participate in the program, the outreach role may consist of the following:

(1) Receipt of Applications

Sub-grantees may accept applications from persons who have received a mail-out application, review the applications for completeness, acquire required verification and forward the completed applications to the local DHHR office. Department staff determine eligibility and the amount of payment. Outreach may also include providing forms and assisting in the completion of applications for those who wish to apply but did not receive the mail-out.

(2) Information and Referral

Instead of receiving or accepting applications, the sub-grantee agency may simply inform interested persons about the program. Such activity involves providing the LIEAP Fact Sheet and referring those who wish to apply to the local DHHR office.

3. LIEAP Forms

The OFS-LIEAP-1, Application Form, is used to determine eligibility and the amount of payment. This form is also available in a printable version on the DHHR web site just prior to the opening of the program.

The ES-LIEAP-3, Repayment Agreement, is used to initiate the repayment process when a LIEAP payment has been issued in error.

The ES-LIEAP-4, Zero Income/Home Heating Cost Verification form, is used when the applicant reports zero income.

The DF-67, Authorization For Payment, is used to authorize Regular LIEAP payments on behalf of the applicant experiencing a heating emergency.

The OFS-LIEAP-5, Authorization for Delivery and Payment of Emergency Regular LIEAP, is used as an option to the DF-67 when desired by the local LIEAP staff and accepted by the vendor.

The OFS-67, Authorization For Payment, is a RAPIDS-generated voucher for the authorization and payment of Emergency LIEAP.

The OFS-LIEAP-6, LIEAP Application Log, can be used by the county DHHR office to track LIEAP applications and insure timely processing and issuance of checks. Use of this form is optional, but the use of some type of log is mandatory.

The OFS-LIEAP-7, LIEAP Fuel Supplier Agreement, is used to register all vendors who accept LIEAP payments.

In addition to the forms listed above, an instruction sheet is included in the mail-out to assist applicants in completing the application form, and the LIEAP Fact Sheet is provided to local offices for distribution to the public.

C. ELIGIBILITY REQUIREMENTS

This section contains the eligibility requirements for both Regular and Emergency LIEAP.

1. Regular LIEAP

Eligibility for Regular LIEAP is based on a number of factors, including income, household size, vulnerability, residence and citizenship.

a. Income

The total monthly gross income of the assistance group (AG) must be less than or equal to the maximum allowable gross income amounts in the chart at Appendix D. No income deductions or disregards apply except in the determination of gross profit for self-employment. When the gross monthly income of the AG exceeds the maximum allowable income amounts, the group is ineligible for LIEAP and the application is denied.

(1) Determining the Month Income is Counted

Income received or expected to be received during the month of application is used to determine eligibility.

EXAMPLE: Application for LIEAP is made on December 30. Income the AG received during the month of December is used to determine eligibility.

(2) Determining Gross Monthly Income

When the AG has regular income and no changes are expected during the application month, the amount of earned and unearned income from each source must be converted to a monthly amount as follows:

- Convert weekly income by multiplying by 4.3.
- Convert bi-weekly (every 2 weeks) income by multiplying by 2.15.

- Convert semi-monthly (twice per month) income by multiplying by 2.

When the applicant is not expected to receive a full month's income, the gross amount of income is multiplied by the number of times it is anticipated that it will be received.

EXAMPLE: The applicant begins working on the third Monday of a month and she earns \$300 per week. She expects to be paid only once during the month of application. Countable gross income for the month is \$300.

EXAMPLE: The applicant, a per diem worker paid weekly, reports she is off work caring for a sick child. She has received only two checks for \$300 each and doesn't know when she will be able to go back to work. Her gross monthly income is counted as \$600.

(3) Sources of Income

ALL sources of income are considered in determining income eligibility.

- Self-employed individuals will be entitled to a 20% deduction from gross sales or receipts to determine monthly gross income.
- Non-recurring lump sums received in the month of application are excluded.
- Recurring lump sums are prorated over the period for which they are intended.

EXAMPLE: A yearly check for mineral rights is divided by 12 to determine countable income for LIEAP.

EXAMPLE: Child support arrearages are considered as non-recurring lump sums. As such, they cannot be anticipated.

(4) Income Exclusions

The following payments received by members of the LIEAP AG are not counted as income in determining eligibility for LIEAP:

- Payments under Title I (VISTA, ACTION, University Year of Action, Urban Crime Prevention Program), Title II (RSVP, Foster Grandparents and others) and Title III (SCORE and ACE) of the Domestic Volunteer Act of 1973
- Payments from Americorp and related programs for living allowances and reimbursements
- Senior Companion Program listed under Title XX and as funded through the U.S. Action Agency
- Community Service Employment Program (CSEP) as authorized under Title V of the Older Americans Act
- Student loans, grants, scholarships and college work study programs
- The value of food coupons
- The value of food commodities
- Payments under Alaska Native Claims Settlement Act
- Any payments received or funds held in trust for members of any Indian tribe under various public laws referred to as Indian Tribal Judgment Funds, as well as any funds from payment of relocation assistance to members of the Navajo and Hopi tribes under Public Law 93-531
- Payments, allowances or reimbursements for transportation and attendant care

costs under Title VI of the Rehabilitation Act of 1973, Title II, Public Law 95-607

- Veterans' Administration Aid and Attendance payments
- Value of supplemental food program for women, infants and children (WIC), Public Law 94-105
- Value of National School Lunch Program, Public Law 90-302
- Reimbursement for expenses incurred in connection with employment and training limited to mileage, tools and clothing
- Reimbursement for medical expenses or for round trip transportation costs incurred to obtain medical treatment
- Grants and loans from HUD Community Development Block Grant Funds made to individuals to rehabilitate their private residence
- All WIA payments, except those considered as wages for on-the-job training.

b. Assistance Group (AG)

The AG consists of any individual or group of individuals who are living together as one economic unit or who are sharing expenses 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 applicant 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 household includes a person(s) who has already received a LIEAP payment, he cannot be included in the AG and his income cannot be counted in determining eligibility.

Illegal alien(s) are not included in the LIEAP AG, although their income is counted.

c. Assets

There is no asset test for Regular LIEAP.

d. Vulnerability to the Cost of Home Heating

In order to qualify for a LIEAP payment, a household must be determined vulnerable or partially vulnerable to the cost of home heating.

(1) Vulnerable Households

Vulnerable households are those which must pay the heating cost for the home in which they reside. This cost must be paid directly to a provider as a separate payment or as a specified portion of a rent or mortgage payment. The amount must be stated on a rent receipt, lease, or other documentation.

Individuals who are temporarily away from home for medical, educational, or employment purposes and who still must pay a heating cost for the dwelling are considered vulnerable. This includes nursing home residents with an outside living expense.

Vulnerability also exists when the AG must pay at least a part of the cost of home heating, whether they pay just part of the cost each month or alternate payments with a third party. The AG is also partially vulnerable when a surcharge for excessive usage is being added to the rent amount.

(2) Invulnerable Households

Invulnerability means the AG has no home heating costs or is not responsible for

payment of the heating cost. Individuals who live in state institutions, hospitals and certain group living facilities, such as halfway houses and domestic violence centers, and those whose home heating costs are paid by a third party are considered invulnerable.

(3) Terminated Service

AGs in dwellings where home heating service has been terminated and the account has been closed prior to the date of application are considered vulnerable if the home heating supplier agrees to restore service upon the approval of LIEAP or in combination with other payment(s).

(4) Portable Heaters

Portable heating devices such as but not limited to electric and kerosene space heaters are not considered primary sources of heating except when an emergent life-threatening situation exists, the dwelling is totally without a heating source, and the AG has no alternate housing available. It is considered dangerous to member(s) of the AG and, therefore, detrimental to program goals to heat a dwelling with space heaters. Such use must not be encouraged. Exceptions require supervisory approval.

(5) Public Housing Facilities

AGs residing in subsidized public housing facilities are considered vulnerable or invulnerable depending on how they pay their home heating costs:

- Vulnerability exists when home heating costs are paid separately or directly to the utility, fuel supplier, or building operator. These costs usually reflect total monthly usage.
- Vulnerability may also include those situations in which the home heating costs are included in the rent but

surcharges are being added for additional usage beyond a certain maximum.

- Invulnerability exists when home heating costs are included in the rent and based upon a fixed percentage of income or paid by the housing authority.

(6) Zero Income Applicants

When zero income applicants report that their home heating costs are being paid by someone else, vulnerability can be determined by the manner in which the heating costs are being paid.

Applicants who report zero income but have someone else not living in the household who makes payment for the entire cost of home heating to the vendor on behalf of the applicant are considered invulnerable and therefore ineligible for LIEAP benefits.

NOTE: When an individual for whom a third party has been making home heating payments receives a termination notice, the worker must determine why the bill is no longer being paid, whether future bills will be paid, and whether the third party intends to pay the disconnect if LIEAP is denied.

Applicants whose only income is a contribution for heating costs from an individual outside the home are considered vulnerable and are not considered zero income applicants.

e. Residence and Citizenship

(1) Residence

See Section 8.2 for the eligibility requirement of residence.

(2) Citizenship

See Chapter 18 for the eligibility requirements of citizenship or permanent alien status.

NOTE: The LIEAP AG is composed only of citizens and/or qualified aliens, using the income of the entire household.

f. Duplicate Payments

All eligible AGs are entitled to one Regular LIEAP payment only. Subsequent applications received from persons who have already been found eligible for or who have received a Regular LIEAP payment are denied. Cases requiring corrective or supplemental payments must be referred to the Office of Finance as provided in section F, below.

g. Customer Account Number

When the applicant indicates his household fuel supplier is a PSC-regulated utility that has entered into an agreement with DHHR to participate in LIEAP, the customer account number must be provided at the time of application. Failure to provide this number results in immediate denial of the application.

A list of PSC-regulated utility vendors is provided at Appendix F.

h. 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 DHHR.

2. Emergency LIEAP

Emergency LIEAP is the program component which assists clients in eliminating home heating

emergencies. There are no payment plans for Emergency LIEAP benefits because the amount of payment depends upon the individual situation. (See item D,5,c, below.)

a. Income

The income guidelines for Emergency LIEAP are identical to those for Regular LIEAP.

b. Assets

There is no asset test for Emergency LIEAP.

c. Assistance Group

Same as for Regular LIEAP.

d. Vulnerability

(1) Emergency Home Heating Need

To qualify for Emergency LIEAP benefits, the applicant must have an emergency home heating need, defined as being without home heating or in immediate danger of being without home heating and being without resources to eliminate the emergency.

When determining if the applicant meets this eligibility requirement, no

consideration will be given to whether a Regular LIEAP application was previously approved or is pending approval at the time the Emergency LIEAP application is received. Since the Regular LIEAP component is an entitlement with its own eligibility requirements, Regular LIEAP payments are not a reason to deny Emergency LIEAP.

EXCEPTION: When the Regular LIEAP benefit has not been credited due to an error in entering an account number, the Worker must contact the utility in an effort to correct the situation. If the correction eliminates the emergency, the Emergency LIEAP application is denied.

(2) Verifying Use of Direct Payments

Clients who are approved for direct payment of Regular LIEAP benefits must be informed by the Worker that the payment must be used to pay for home heating costs and that receipts which verify these payments must be submitted with the Emergency LIEAP application. Failure to submit this verification of payment for home heating costs will constitute grounds for denying the Emergency LIEAP application.

NOTE: Receipts for the purchase of bulk fuel must be dated prior to the date of application for Emergency LIEAP. The Worker must consider the date of the receipt(s) when determining if an emergency exists.

EXAMPLE: A client applies for Emergency LIEAP on February 22. She does not have receipts for the purchase of bulk fuel with her, but returns the next day with a receipt for 104 gallons. The receipt is dated February 22 and is in the amount of the Regular LIEAP check issued January 5. The Worker denies the application because the date of the receipt is not prior to

the date of the Emergency LIEAP application.

EXAMPLE: Same situation as above, but the receipt is dated February 15, which is prior to the date of the Emergency LIEAP application. However, the client received 104 gallons of bulk fuel just one week before applying for Emergency LIEAP. According to the client, she uses about 150 gallons per month. Based on her statement, the worker determines that the fuel should last at least another two weeks. The client has not claimed extenuating circumstances (leak in tank, fuel stolen, etc.). The worker denies the application.

(3) Verifying the Need for Emergency LIEAP

(a) Home Heating Suppliers Regulated by the Public Service Commission

In order to be eligible for an Emergency LIEAP payment, the applicant's home heating supplier must agree to provide a minimum of 30 days of service beginning the date the vendor is made aware of and accepts the Department's offer. Payment will be denied if the supplier fails to agree to or otherwise does not carry out this requirement.

(b) Bulk Fuel Suppliers

The amount of bulk fuel required to eliminate an emergency is the minimum amount the bulk fuel supplier will deliver. The minimum delivered amount of bulk fuel may or may not last for 30 days or may last for more than 30 days, depending on such variables as severity of weather, size and degree of insulation of living quarters, etc.

The amount of the Emergency LIEAP payment is based on the minimum fuel delivery cost and the amount of the maximum household benefit. (See item D,5.)

- (c) Determining the Amount of Self-Delivered Bulk Fuel
Applicants for Emergency LIEAP who must self-deliver bulk fuel are eligible for the same amount as the minimum required by the vendor to deliver the bulk fuel.

EXAMPLE: The minimum delivered amount of bottled gas in an area is 100 pounds. The eligible client who will self-deliver bottled gas is entitled to 100 pounds, provided the amount of the Emergency LIEAP payment he is entitled to receive is sufficient to purchase that amount.

Payment terms may be arranged with the vendor by means of a credit purchase or prepayment.

- A credit purchase means that payment will be made after the fuel is delivered. The supplier must be instructed in the recording section of form OFS-67, Authorization For Payment, to notify the local DHHR office of the final delivery. Transmittal of the payment is made upon notification. (See item E,2.)
- Prepayment is made if the vendor refuses to permit a credit purchase, and the OFS-67 must indicate in the recording section that prepayment is being made for the specified amount of fuel. If possible, the unit amounts of fuel per delivery will also be indicated. Transmittal will be made for the total amount of payment and the vendor is paid in advance.

In either arrangement outlined above, only one payment is made for the total amount.

- (d) Non-Elimination of the Emergency

In many situations, the amount required by the vendor to eliminate the emergency will exceed the amount of Emergency LIEAP entitlement. When this occurs, the Worker

must determine if the applicant is eligible for other program benefits in addition to LIEAP, such as, but not limited to, Emergency Assistance (EA), Neighbor-to-Neighbor, etc., in order to meet the vendor's demands. If the vendor refuses to observe the guidelines set forth in this section, the LIEAP application is denied.

e. Residence and Citizenship

Same as Regular LIEAP

f. Duplicate Payment

Eligible households are entitled to one Emergency LIEAP payment only. However, the payment does not have to be for the primary source of heat, provided the client can show that a heating emergency will result from the scheduled termination. If termination notices have been received on both electric and gas, Emergency LIEAP may be approved on the larger amount, providing the AG lacks the resources to pay the bill. Under no circumstances may the LIEAP payment be split to cover both terminations regardless of the amount for which the client is eligible.

Cases requiring corrective or supplemental payments must be referred to the Office of Finance as provided in section F, below

g. Customer Account Number

This requirement is satisfied by the termination notice.

h. Time Limits

The Department must insure that assistance is offered to resolve the home energy emergency to all eligible recipients no later than 48 hours from the time of application. In most situations, fuel delivery can be made or home heating service continued to prevent an emergency from occurring when the vendor has been informed that the client is eligible for Emergency LIEAP benefits.

NOTE: Some vendors require an extra delivery charge for deliveries outside normal times or routes. This charge is added to the cost of the fuel to determine the amount of payment.

When the eligible AG is faced with a life-threatening emergency, the Department must insure that assistance is offered to resolve the emergency no later than 18 hours from the time of application.

The worker must indicate by the date entered on the OFS-67 or by recording on the application that this time limit was met.

3. Other Programs

Regular or Emergency LIEAP payments are not considered in determining eligibility for or the amount of a benefit for any public assistance program except Emergency Assistance.

a. Emergency Assistance

When an applicant for Emergency Assistance is requesting benefits to eliminate a home heating emergency, the amount of any LIEAP payment the applicant has received must be subtracted from the overdue bill before determining the amount the Department will pay. However, the receipt of Emergency Assistance does not affect eligibility for Emergency LIEAP.

b. 20% Utility Discount Program

The receipt of benefits under the 20% utility discount program does not affect eligibility for Emergency LIEAP.

c. Vendor-Supported Home Heating Assistance Programs

Home heating assistance programs such as Neighbor-to-Neighbor have limited funds that are restricted to customers of that vendor. Because funds in these programs are limited, eligibility for Emergency LIEAP is always considered first before these programs.

d. Food Stamp Standard Utility Allowance (SUA)

See Section 10.4,B,7.

D. APPLICATION PROCESS

The application process for outside agencies consists of assisting clients in filling out applications, verifying income and other information as needed, attaching copies of bills to the form and submitting the application to the local DHHR office for processing in RAPIDS. Clients who have received termination notices or indicate they are experiencing a heating emergency must be referred to their local DHHR office.

For the DHHR worker, the above action is taken in addition to determining eligibility and the amount of payment and notifying the applicant of the action taken.

When the LIEAP applicant wishes to apply for another benefit in addition to LIEAP, the RAPIDS OFS-2 may be used instead of the OFS-LIEAP-1 form to prevent the need to complete two application forms. Otherwise, the OFS-LIEAP-1 must be completed for LIEAP applicants.

In order to maintain controls for receiving, processing and doing follow-up on applications to assure that a check has been issued, the local office must retain a LIEAP application register or log that indicates, as a minimum, the name of the applicant, how and when the application was received (e.g., mail, office visit or from another agency) and whether the application was for Regular or Emergency LIEAP. The OFS-LIEAP-6 form is optional for this purpose.

Completed applications received from sub-grantee agencies must be accompanied by a manifest showing the name and address of each applicant and the total number of applications submitted. This manifest must be signed and dated by an authorized employee of the sub-grantee agency.

1. Applying for Benefits

Although it is not mandatory, the head of household should be encouraged to apply for benefits.

Applications may be completed and submitted by mail to DHHR only. Additional information may be requested by the Worker if needed for eligibility determination, but incomplete applications must be denied.

Emergency LIEAP applications require a face-to-face interview at a DHHR office, but may be taken in the home for individuals who meet certain requirements. Home visits are limited to those persons age 60 and over or disabled persons of any age who live alone and have no means of transportation to the local DHHR office in order to apply for Emergency LIEAP benefits.

It is permissible, but optional, for Community Services Managers (CSMs) to permit outreach workers from a senior citizen center or Community Action agency to take the application and/or OFS-67 forms to the applicant for completion and to obtain the necessary documentation to verify the emergency.

If the CSM permits employees from other agencies to take applications in the home, the employees must be trained to assist the homebound applicant to complete the application form, obtain the required verification and otherwise perform the necessary tasks required for DHHR employees to make a decision on the application.

The Department will make the final decision regarding eligibility for and the amount of Emergency LIEAP benefits. Personnel from other agencies are not permitted to make this decision or inform the applicant about his eligibility.

2. Completion of Form OFS-LIEAP-1

The OFS-LIEAP-1 form consists of four sections. Section I, Identifying Information, provides data concerning the AG. Section II, Home Heating/Other Assistance Information, provides information related to the type of home heating used, plus vendor and AG data. Section III contains signatures and statements of liability. Section IV provides space to allow the Worker to summarize the action taken on the application.

a. Section I - Identifying Information

This section is mostly self-explanatory. All questions must be answered.

b. Section II - Home Heating Information

The applicant circles the correct number which applies to his circumstances. Item F must be

completed, regardless of whether the applicant's home heating supplier is a PSC-related utility or a bulk fuel supplier.

A LIEAP applicant may indicate a different primary source of home heating from that indicated on previous applications. When this occurs, the Worker must carefully review the reasons for the change. If the applicant is changing heat sources to avoid payment of a home heating bill, the LIEAP application must be denied. Otherwise, the difference may result from a change in residence, with the home heating bill at the old residence settled, or a change in the heating source at the same residence. In these situations, the change is permitted.

Item H must be completed and a copy of the bill or a current receipt or invoice must be attached. Failure to supply this information will result in denial of the application.

c. Section III - Signatures and Statements of Liability

Items A through F must be completed. If the applicant marks No on any item, the Worker must resolve any confusion or misunderstanding. If the applicant continues to answer No to any item, he should be informed that his benefits may be delayed or possibly denied.

The applicant must sign and date the application. If someone else assisted the applicant, that person must also sign and date the form.

d. Section IV - For Other Agency and DHHR Use Only

This section is provided for the use of the DHHR Worker and, if appropriate, the Worker from another agency. If the application was received by another agency or by mail, the appropriate space must be marked.

(1) Items A, B, C, D and E

When the application is received by the Department directly from the applicant (via

mail or office visit), the Worker will complete Items A through E.

When the application is received initially by another agency, Items A and B must be answered and the other agency worker must enter his signature, title and the date before sending the form to DHHR.

(2) Special Instructions for Receiving LIEAP Applications by Other Agencies

In receiving applications for Regular LIEAP benefits, workers from other agencies must observe the following guidelines:

- All questions on the application form must be answered, and all program policy must be followed.
- The application must be signed and dated by the applicant and the worker.
- If verification is required, the instructions outlined in item 3 below must be followed. A copy of the heating bill must be attached to the application.
- Applicants must be allowed no more than 10 days to submit documentation for verification.
- Applications ready for processing by the local DHHR office must be sent to that office on a daily basis with a signed and dated word-processed or typewritten manifest listing the name and address of each applicant.
- Applications held in excess of 30 days by any outside agency will not be accepted.
- Applicants must be informed that DHHR staff will determine eligibility, provide written notification of the decision, and make payment to or on behalf of eligible households.

3. Verification

Verification is the process of documenting statements and information provided by the applicant. Although specific guidelines for verifying certain eligibility criteria are indicated below, the Worker may request verification of any information provided by the applicant in determining eligibility for LIEAP benefits.

The responsibility of the applicant in the eligibility determination process includes the effort to obtain required verifications. However, if the applicant is unsuccessful in his attempt to obtain the verification or if he has physical or mental impairments which limit his ability to perform this responsibility and he has no family members or other persons who will help him, the Worker will obtain the verification.

The Worker must decide when and what information must be verified or when additional information must be obtained, particularly when information provided by the applicant is questionable or more information is needed to complete the eligibility determination or payment process.

Failure or refusal on the part of the applicant to obtain verification when required or requested by the Worker as outlined in the instructions below will result in a denial of the application.

a. Income

Total income of the AG must be verified when the applicant indicates a source of earned income for any member of the AG.

EXAMPLE: The application form indicates SSI as the source of income for one member and employment for another person. The applicant must verify the amount of employment and the SSI income.

Documentation may include pay check stubs, award letters, written statements from employers, etc. Although documentation should include earnings from the month of application, it is permissible to use pay check stubs and other documents showing

earnings during the month prior to the month of application, provided the applicant indicates no change is expected. In no instances may documentation of this type be earlier.

When the applicant reports zero household income during the month of application, he must verify how living expenses, defined as food, clothing, shelter, light, heat and incidentals, of the AG have been paid or how the AG members have managed without income 30 days prior to the date of application. Form ES-LIEAP-4, Zero Income Heating Cost Verification Form, must be completed by the applicant.

NOTE: The income verification policy referred to above is not required if current information in an open WV WORKS, Medicaid, Food Stamp or other DHHR case can substantiate the amount of income submitted by the applicant on the application form. For LIEAP purposes only, current is defined as verified within the 2 months prior to the LIEAP application.

When the LIEAP applicant does not report zero income or income from employment, the decision to request verification is made at the Worker's discretion.

b. Vulnerability

Verification of vulnerability for applicants that have home heating vendors regulated by the Public Service Commission is satisfied when the customer account number is entered on the application form and verified by the attached bill.

This account number must be entered on the application unless the applicant can demonstrate that other circumstances exist (i.e., home heating costs are paid to the landlord).

EXCEPTION: Verification of vulnerability is mandatory for all zero income applicants. Failure to provide this verification will result in a denial of the LIEAP application.

Bulk fuel users must submit a signed and dated bill from the bulk fuel vendor which indicates that a delivery was or will be made. When such verification cannot be provided, the applicant must submit the name, address or telephone number of a vendor who can verify that fuel deliveries have been made in the past or will be made for the current winter season.

The Worker must obtain written verification of all other arrangements not referred to above. Statements must be dated and signed.

Otherwise, the decision to verify vulnerability is left to the Worker's discretion. In some instances it will be necessary for the LIEAP Supervisor or Worker to contact managers of public housing authorities in their areas to determine if the tenants are vulnerable or invulnerable to the cost of home heating. A screening procedure must be established with the Housing Authority to verify whether or not certain applicants live in public housing. The managers should be informed that the applicant signs a release (Item E in Section III of the application) that protects them from violating confidentiality.

c. Social Security Number (SSN)

Verification of SSNs is at the discretion of the worker. When an applicant indicates he has no SSN, the Worker must refer that person to Social Security to apply for a number.

d. Emergency Home Heating Need

The existence of an emergency home heating need must be verified with a written notice of termination from a PSC-regulated utility. When the home heating provider is a bulk fuel distributor, verification must be a written statement certifying that no future deliveries will be made. If the bulk fuel provider refuses to provide such verification, the worker may contact the provider by phone and note the results of the conversation in the recording block of the application and/or in case comments.

In situations involving bulk fuel users, the Worker may question whether the AG is actually or nearly without fuel. Since there is no written notice of service termination, the worker may need to check with the vendor to determine when the last delivery or purchase was made. The only other method of resolving this question is to make an on-site inspection of the fuel supply. Such action is permissible but totally at the discretion of the CSM or the person acting in his behalf. Prior to taking such action, the applicant's written permission must be obtained and placed in the case record.

In situations where home energy costs are included in the rent or some other special arrangement exists between the tenant and landlord, a written eviction notice that has been dated and signed by the landlord will suffice as verification of the emergency.

e. Age of the Head of the Household

Verification of the age of the head of the household is also at the Worker's discretion. This information is used solely for statistical purposes and has no bearing on eligibility.

f. Customer Account Number

The applicant is required to submit a heating service bill in order to verify the customer account number. Failure to supply this bill will result in denial of the LIEAP application.

g. Home Heating Payments in Shared Situations

Customers who indicate they "share" a utility meter with another household in a separate dwelling may qualify for a Regular LIEAP payment. For Emergency LIEAP, however, only one of the households sharing the meter may be approved for Emergency LIEAP. Elimination of the emergency for one household results in eliminating the emergency for all.

Likewise, households which share a bulk fuel tank may be approved for separate Regular LIEAP payments. Only one may be approved for Emergency

LIEAP with receipts showing that total amounts of all Regular LIEAP payments have been applied to the purchase of fuel.

4. Determining Eligibility

a. Regular LIEAP Benefits

When the applicant has met all eligibility requirements outlined in item C,1 and has complied with the verification instructions in item D,3, the applicant may be found eligible for Regular LIEAP benefits.

Regular LIEAP payments are intended for the primary source of home heating only. In the case of a heating emergency, however, the payment may be applied to an old bill or to a reconnect and/or deposit to reinstate service, provided the client is guaranteed 30 days of service.

b. Emergency LIEAP Benefits

When the applicant has met all eligibility requirements outlined in item C,2 and has complied with the verification instructions in item D,3, the applicant may be found eligible for Emergency LIEAP benefits.

Emergency LIEAP payments are intended for the primary source of home heating, as well as for back bills, reconnect charges and/or deposits required to reinstate service. In addition, Emergency LIEAP payments may also be authorized to cover the cost of furnace repair or propane tank replacement when the client reports that there is no acceptable alternate heat source or that space heaters are the only alternate source of home heating and alternate housing is not available.

c. Additional LIEAP Benefits

Under some circumstances, it may be necessary to approve an emergency Regular LIEAP or Emergency LIEAP payment for electricity when termination of this utility will result in a total inability to use the primary source of heat. For example, a gas furnace may not have a manual override to permit its use when electricity is not available.

5. Determining the Amount of Payment

After it is determined that the applicant is eligible for LIEAP benefits, the Worker must determine the amount of the LIEAP payment.

a. Maximum Allowable Payment

The maximum allowable payment of a combined Regular and Emergency LIEAP benefit cannot exceed the maximum per AG established for each program year.

b. Regular LIEAP Payment

The chart at Appendix D illustrates the base amount of the Regular LIEAP benefit. Regular LIEAP benefits are automatically determined by RAPIDS based upon the income, number of persons in the AG, and the type of energy used for home heating.

Percentage increments for certain types of energy are applied to the base amount to arrive at the amount of increment for each type of energy. The base amount plus the incremental amount represents the Regular LIEAP benefit.

The percentage increments are as follow:

Type of Home Heating Percentage Increments

Natural Gas	2.5
Liquefied Petroleum Gas (LPG)	5.0
Coal	2.5
Wood	None
Electricity	5.0
Fuel Oil and Kerosene	3.0

NOTE: Emergency LIEAP payments are not affected by the percentage increments.

Fractional amounts are rounded up to the nearest whole number when the fraction is .5 or more. Fractional amounts are dropped when the fractional amount is .4 or less. In cases where an override is required to approve a LIEAP payment, the worker must determine the amount and round up or down accordingly.

EXAMPLE: A LIEAP applicant who uses LPG is approved for a base amount of \$123. ($\$123 \times .05 = \$6.15 + \$123 = \129.15) \$129 is the amount of the Regular LIEAP benefit.

EXAMPLE: A LIEAP applicant who uses fuel oil is approved for a base amount of \$158. ($\$158 \times .03 = \$4.74 + \$158 = \162.74) \$163 is the amount of the Regular LIEAP payment.

c. Emergency LIEAP Payment

The amount of the Emergency LIEAP payment is determined by the following:

- The amount of the Regular LIEAP payment that the household was found eligible to receive, and
- The amount of the maximum allowable payment of a combined Regular and Emergency LIEAP payment for each AG, and
- The amount of the payment required to eliminate the emergency.

STEP 1 - The amount of the Regular LIEAP benefit is counted against or subtracted from the amount of the maximum allowable benefit. The remainder and the amount of payment required to eliminate the emergency is used to compute the amount of the Emergency LIEAP payment.

STEP 2 - When the amount of payment required to eliminate the emergency is less than or equal to the remainder, that amount (the amount required to eliminate the emergency) will be the amount of the Emergency LIEAP payment.

STEP 3 - When the amount of payment required to eliminate the emergency exceeds the remainder, that amount (the amount required to eliminate the emergency) must be reduced by the amount of the excess. The result is the amount of the Emergency LIEAP payment.

EXAMPLE: A client receives a Regular LIEAP payment of \$126 in January. In March, he is found eligible for Emergency LIEAP. The amount required to eliminate the emergency is \$100, and the maximum allowable amount for the AG is \$500.

$$\$500 - \$126 = \$374.$$

\$100 is less than \$374.

\$100 is the amount of the Emergency LIEAP payment.

EXAMPLE: Same as above except the amount required to eliminate the emergency is \$374.

$$\$500 - \$126 = \$374.$$

\$374 is equal to the remainder.

\$374 is the amount of the Emergency LIEAP payment.

EXAMPLE: Same as above except the amount required to eliminate the emergency is \$550.

$$\$500 - \$126 = \$374.$$

$$\$550 - \$374 = \$176 \text{ excess.}$$

$$\$550 - \$176 = \$374$$

The amount of the Emergency LIEAP payment is \$374.

NOTE: The Regular LIEAP payment is never subtracted from the amount required to eliminate the emergency. Such action constitutes misuse of the two program components.

EXCEPTION: In situations where it is determined that a Regular LIEAP payment was made to the correct vendor but the account number was entered incorrectly, the worker must contact the utility and determine if correcting the number and correctly crediting the account will result in eliminating the emergency. A payment discovered to have been made to the wrong vendor will not affect the Emergency LIEAP determination process.

In situations where the amount required to eliminate the emergency exceeds the amount of the Emergency LIEAP payment, the application for Emergency LIEAP benefits is denied if the emergency is not eliminated. The applicant must find other resources or negotiate with the home heating supplier to accept the Emergency LIEAP benefit.

6. Client Notification

Applicants must be notified of the eligibility decision within 30 days of the date of application. Notification is accomplished by computer-generated letter.

a. Pending Regular LIEAP Applications

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

b. Pending Emergency LIEAP Applications

If verification and/or additional information is needed in order to make a decision on an Emergency LIEAP application, the appropriate request form must be completed and given to the applicant at the time of the intake interview. The applicant must be given 5 government business days to return the requested information. The applicant must be notified of the eligibility decision as soon as possible but no later than 30 days from the date of application.

NOTE: Copies of all non-RAPIDS correspondence must be placed in the case record.

E. PAYMENT AND AUTHORIZATION PROCESS

Payments are made either to the vendor on behalf of the client or by direct payment to the AG as specified below.

1. Regular LIEAP Benefits

a. Direct Payment

Direct payment of Regular LIEAP is made only in the following circumstances:

- The primary source of home heating is a bulk fuel such as fuel oil, liquefied petroleum gas, coal, kerosene or wood, and the client does not indicate that an emergency exists.
- Heating costs are included in the rent or mortgage payment as a specified amount.
- The PSC-regulated home heating supplier that services the household has not entered into a contractual agreement with the Department.
- Home heating costs are paid separately to a landlord or other entity.

b. Vendor Payment

Vendor payments are made only in the following circumstances:

- The home heating provider is a PSC-regulated heating supplier that has entered into an agreement with DHHR.
- The heating bill is in the name of someone not living in the household.
- A bulk fuel user is without or in immediate danger of being without fuel for home heating and the following conditions apply:
 - The amount required to eliminate the emergency is equal to or less than the Regular LIEAP benefit; and,

- The client verifies that he will be without fuel for home heating prior to the receipt of a direct payment check and states that he has no resources with which to purchase a temporary supply; and,
- The bulk fuel supplier will not make a delivery unless it is pre-authorized by the Worker but agrees to provide heat for at least 30 days from the date he is made aware of and accepts the Department's payment; and,
- The client agrees to the vendor payment instead of the direct payment.

See item 2,b,(3) below for instructions in completing the appropriate form to make vendor payment of Regular LIEAP benefits.

2. Emergency LIEAP Benefits

Payment of Emergency LIEAP benefits is made by vendor payment only, except as described in 2,d, below.

a. Authorization of the Emergency LIEAP Payment

The following procedure is used to authorize Emergency LIEAP vendor payments:

- Form OFS-67 must be completed as instructed below in item b, Completion and Processing of Form OFS-67.
- The completed form is given to the vendor to authorize the delivery of bulk fuel or to restore or continue the heating service.

NOTE: When payment is being authorized to PSC-regulated heating providers or to landlords, the first day of the 30-day period of service begins on the date the vendor is made aware of and accepts the Department's payment. The client must sign the form on the date he receives it from the Worker.

- The vendor signs and returns the form to the county office and the payment is processed by the Financial Clerk.

b. Completion and Processing of Form OFS-67 for
Emergency LIEAP Payments

(1) Data Entry

The Worker enters the necessary case identification and the return address of the county DHHR office in RAPIDS.

(2) Recordings

The quantity of fuel must be entered in the recording section. When bulk fuel deliveries are being authorized, the Worker, client and vendor must agree on the exact amount of fuel to be delivered. When electric or gas service is being authorized, the time period of the overdue bill must be entered. For all PSC-regulated heating providers or landlords, the Worker must also enter the beginning and ending dates of the 30-day period of service. The period begins on the date the vendor is made aware of and accepts the Emergency LIEAP payments and ends 29 days later.

(3) Payment Authorization

The dollar amount of the delivery must be entered. All signatures and dates must be completed as indicated at the bottom of the form.

After the vendor returns the voucher to the county office, the Financial Clerk clears it for payment in RAPIDS.

c. Use of Form DF-67 for Regular LIEAP Payments

It may sometimes be necessary to use the DF-67 form to make vendor payment of Regular LIEAP benefits to prevent bulk fuel emergencies. When this occurs, the following instructions apply:

- Form DF-67 is used to authorize the delivery in almost the same manner as described above for Emergency LIEAP. The difference is that no voucher is RAPIDS-generated. Instead, the worker completes the DF-67 as required to

authorize delivery of the home heating service.

- Vendor payment is then made to the home heating supplier when the DF-67 voucher is returned and is properly signed.

When completing this form, the dollar amount authorized must be identical to the amount of the correct Regular LIEAP payment in accordance with the LIEAP income/benefit chart at Appendix D.

NOTE: This procedure is also used to make payment to utility companies that did not enter into an agreement with the Department when a DF-67 is demanded prior to the delivery.

The OFS-LIEAP-5 form, Authorization for Delivery and Payment of Emergency Regular LIEAP, may be used instead of the DF-67 form, as follows:

- The Worker must first determine that the vendor accepts the form instead of the DF-67 and guarantees delivery.
- The Worker must insure that vendor payment and not direct payment is made.
- The vendor is not required to return the form to the county office to process payment.
- The Worker must use only the amount of the Regular LIEAP payment that the applicant is eligible to receive.
- The applicant's signature must be entered in the space on the form before the Worker can authorize payment on the applicant's behalf.
- The form may be faxed to the utility as appropriate.

d. Special Payments

There may be situations in which a vendor payment is not possible or appropriate. The Supervisor may authorize direct payment to the applicant or a

mutually acceptable third party. Approvals are made on a case-by-case basis only and may not be used to create a precedent for future payments.

3. LIEAP Fuel Supplier Agreement (OFS-LIEAP-7)

The LIEAP Fuel Supplier Agreement requires all vendors who receive LIEAP payments to comply with certain program requirements. No LIEAP payment can be made to any home heating vendor who has not signed an agreement. The agreement is signed only once unless the vendor changes his address or his incorporated name. Vendors who have signed the agreement are located in the RAPIDS vendor file.

The Worker must require new vendors to complete, sign and date the Fuel Supplier Agreement. The name and address of the business plus the employer identification number or the individual's SSN must be entered.

After the vendor completes the agreement, it must be forwarded to the local office Financial Clerk for entry into the RAPIDS vendor file. The Financial Clerk will write the vendor number issued by RAPIDS in the space provided at the top of the agreement and forward it to the Office of Family Support to the attention of the LIEAP Coordinator who will sign and file the form.

F. CASE MAINTENANCE AND CORRECTIVE ACTION

Adjustments in LIEAP payment amounts result from Worker or client errors or decisions from Fair Hearings.

NOTE: Corrections or changes in payment amounts are not permitted at the county level after the check has been written. Workers or supervisors must contact the LIEAP Coordinator before taking any action that results in the issuance of a payment other than the initial approval. Financial clerks must contact the LIEAP Coordinator before attempting to enter payment information that is different from the amount of LIEAP approved for the AG.

All changes affecting the amount of payment will be made by the Office of Finance.

Corrective action must be initiated on all cases in which an error has occurred, regardless of who made the error.

1. Cases Denied in Error

When a case has been denied in error, the case must be re-entered in RAPIDS as an approval in order to generate payment. The Worker must notify the client in writing that his Regular and/or Emergency LIEAP application was denied in error and include the amount of the payment and to whom payment will be made. A recording of the corrective action must be entered in the recording space in Section IV of the application form and/or in case comments, as appropriate.

2. Underpayments

When a case has received an underpayment, the Worker must send a memorandum to the Office of Finance that indicates the case name, address and case number, the amount of the underpayment and the amount of the correct payment, and the type of payment (vendor or direct) to be made on behalf of or to the AG. The Worker will also notify the client in writing that an error has been made and is being corrected.

The Office of Finance will write a check as instructed in the memorandum and make the necessary corrections in RAPIDS. Under no circumstances will anyone at the county level attempt to reissue a corrected payment.

3. Cases Approved in Error

When an ineligible case has been approved, an overpayment has occurred, or an incorrect payment has been made, regardless of who made the error, the Worker must take the action outlined in item 4 below. The State must be reimbursed for all payments issued in error.

An inappropriate payment results when a client incorrectly states the primary method of home heating on page 2 of the OFS-LIEAP-1 or during the intake interview. If it is determined prior to the Emergency LIEAP approval that the client received an inappropriate Regular LIEAP payment, the Emergency

LIEAP application is denied. Otherwise, the client must repay the LIEAP benefit.

4. Repayment

The repayment process involves notifying the client that repayment is necessary for a certain amount, obtaining the client's signature on an agreement form to repay a certain amount, receiving the funds from the client, and returning the funds to the Office of Finance.

a. Repayment Agreement

When the client and the Worker discuss repayment, the client must agree to repay by any of the three methods indicated on the ES-LIEAP-3 form. The Worker must enter the client's name, the amount of repayment and the type of payment (Regular or Emergency LIEAP) and the type of error (overpayment, incorrect payment, duplicate payment, case approved in error, etc.).

The Worker must insure the client understands the statement concerning the disposition of the remaining balance when not paid by the due date. The client must sign and date the form along with the Worker and the Worker's supervisor.

The form is prepared in duplicate unless additional copies are required. The original copy is given or mailed to the client and a copy is placed in the record.

When repayment involves the energy needs of another case, the AG that should have received payment must have the benefit before repayment is considered complete. The Worker must send a copy of the completed LIEAP repayment agreement to the Office of Finance, Attention: Accounts Payable, with instructions to write a check to the correct case.

b. Repayment by the Vendor

When the error involves payment to the wrong vendor, the client may wish to have the vendor make the repayment. However, the client is ultimately responsible for repayment if the vendor fails to honor the agreement.

c. Refusal to Sign the Repayment Agreement

The Worker must explain the fair hearing process to the client if he refuses to sign the ES-LIEAP-3 form. In addition, the Worker must follow up the discussion with a letter which states that certain LIEAP benefits the client would otherwise be entitled to receive will be affected by his refusal to sign the repayment agreement.

When the client refuses to make repayment, he will be penalized. Penalties will be assessed only after the Worker has completed the instructions outlined above.

The penalty for refusal to make repayment will be imposed by withholding payment of Regular LIEAP. Therefore, penalties can only be imposed during a program year subsequent to the program year in which the client refused to make payment.

The worker must make a case recording that the applicant may be found eligible for LIEAP but that payment may be reduced or withheld to satisfy repayment for a prior year.

d. Tracking the Penalty

All Regular LIEAP cases must be screened to determine if repayment is due from the previous year. When a case is approved for Regular LIEAP and identified as one in which repayment is due, the Worker must ask the applicant to come to the office to discuss repayment. After the Worker explains the need for repayment, the following options can be given to the applicant:

- When the repayment amount is equal to the Regular LIEAP payment, the applicant can make repayment in full and repayment will be fulfilled, OR the Regular LIEAP payment can be withheld and repayment will be fulfilled.

- When the repayment amount is less than the Regular LIEAP payment, the applicant can make repayment in full, OR the Regular LIEAP payment will be reduced by the amount of the repayment and the balance will be paid to the applicant.
- When the repayment amount is more than the Regular LIEAP payment the applicant can make payment in full, OR the Regular LIEAP payment will be withheld and deducted from the amount of the repayment. The applicant must receive written notice from the Worker of the balance due.

e. Withholding the Regular LIEAP Payment

When it is necessary to withhold a LIEAP payment, the Worker must contact the LIEAP Coordinator at Office of Family Support for instructions.

f. Making Adjustments in the Regular LIEAP Payment

Adjustments to the LIEAP payment must be made in the Office of Finance. In a memorandum addressed to Accounts Receivable, Office of Finance, the Worker will provide the identifying information and explain exactly how the Regular LIEAP payment must be adjusted.

g. Client Notification

The client must be provided with written notification of all decisions made on the Regular LIEAP payment/repayment, any adjustments to the Regular LIEAP payment and/or fulfillment of the repayment.

5. Returned Checks

Checks are sometimes returned by clients or postal authorities. The following sections provide instructions regarding these situations.

a. Check Returned by Postal Authorities

Checks returned by the postal authorities are returned to the Office of Finance. That Office

will contact the local office requesting disposition of the check. The Worker must attempt to contact the client to obtain a new address or other information.

b. Change of Payee

Supervisory approval is required to change the name of the payee. When the payee is deceased and the check needs to be rewritten in the name of a survivor(usually the spouse), a copy of the death certificate and a court order making the survivor administrator of the estate must be submitted to the Office of Finance. A memorandum stating the case number, name and address of the old payee and the name and address of the new payee must accompany these documents.

c. Check Returned by Vendor

Checks are often returned by the vendor to the county office and to the Office of Finance. When this occurs, the reason for the check return must be obtained and an effort made to determine that the client receives the benefits to which he is entitled. The check may be rewritten by the Office of Finance as a direct or vendor payment depending upon the client's wishes.

NOTE: Checks received in the county office must be forwarded to the Office of Finance.

d. Client Refuses to Accept the LIEAP Check

In situations where the client refuses to accept the LIEAP payment (or a vendor payment), the Worker should determine the reason for the refusal and clarify any confusion on the part of the client. If the client continues to refuse the payment, it will be returned to the Office of Finance via memorandum explaining why the check is being returned.

6. Lost, Stolen or Destroyed Checks

LIEAP recipients who claim that their checks were lost, stolen or destroyed must complete an affidavit

attesting to the specific occurrence which prevented them from using the check. Form DF-36 with the appropriate changes in terminology to reflect the LIEAP check may be used for this purpose. This request for a stop payment action must be made as soon as possible by sending the affidavit plus a memorandum of explanation to the Office of Finance. This action cannot be requested by telephone as no action will be taken without the written affidavit.

The client must be informed that he must wait up to 30 days from the date of the stop payment action in order to receive his check. No checks will be written at the county level to replace lost, stolen or destroyed checks. After the check has been cleared by the State Treasurer's office, payment will be made promptly to the client. If the client is placed in an emergency situation as a result of the stop payment action, an Emergency LIEAP application may be taken.

7. Client Refuses Emergency LIEAP Delivery of Bulk Fuel

When the client refuses to accept a bulk fuel delivery, the Worker must first allow the client and vendor to work out a solution to resolve the problem. The decision on what action will be taken must be made primarily by the client.

8. Fraud

All suspected fraud situations involving clients and/or vendors must be referred to the LIEAP Coordinator.

9. Fair Hearings

Individuals who apply for LIEAP benefits will have the right to a fair hearing if:

- The application is denied.
- The client believes the payment is in error.
- The client receives payment in an amount less than specified in the approval letter.
- There was a delay in processing the application beyond 30 days of the date of application.

- The client believes that he has been discriminated against because of race, color, national origin, sex, age, religious or political beliefs, or because he is disabled.

The client must request a hearing within 60 days of receipt of the notification. The Department has 30 days after the hearing request is received to schedule the hearing, arrive at a decision, and initiate the appropriate action.

NOTICE

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PAGES 216 THROUGH 246 HAVE BEEN ELIMINATED

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