



**State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
150 Maplewood Avenue
Lewisburg, WV 24901**

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

June 5, 2007

Dear Ms. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held May 30, 2007. Your hearing request was based on the Department of Health and Human Resources' action to deny your application for the Low Income Energy Assistance Program (LIEAP).

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 Health and Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

Eligibility for the Low Income Energy Assistance Program is based on current policy and regulations. Some of these regulations state as follows: Income from all sources for the AG must be verified when the applicant indicates a source of earned income for any AG member. (Section 26.3C #1 of the West Virginia Income Maintenance Manual)

The information which was submitted at your hearing revealed you did not verify your income from self-employment timely.

It is the decision of the State Hearing Officer to uphold the action of the Department to deny your application for the Low Income Energy Assistance Program (LIEAP).

Sincerely,

Margaret M. Mann
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Patrick McKinney, DHHR

**WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES
BOARD OF REVIEW**

_____,
Claimant,

Action Number: 07-BOR-1155

**v. West Virginia Department of
Health and Human Resources,**

Respondent.

DECISION OF STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on May 30, 2007 for _____. This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened on May 30, 2007 on a timely appeal, filed February 28, 2007. The State Hearing Officer received the request on April 19, 2007.

It should be noted here that the Claimant's benefits have been denied.

II. PROGRAM PURPOSE:

The Program entitled Low Income Energy Assistance is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

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 heating season, but it is designed to partially offset the cost.

Applicants for Emergency LIEAP must verify that they are facing an imminent emergency or that they are experiencing an emergency.

III. PARTICIPANTS:

_____, Claimant
Patrick McKinney, Department Hearing Representative

Presiding at the Hearing was Margaret M. Mann, State Hearing Officer and a member of the State Board of Review.

IV. QUESTIONS TO BE DECIDED:

The question to be decided is whether the Department was correct in the decision to deny the Claimant=s LIEAP application because information was not provided to determine eligibility.

V. APPLICABLE POLICY:

Section 26.3 of the West Virginia Income Maintenance Manual

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

D-1 Denial Letter dated 01/10/2007

D-2 Chapter 26.3 of the West Virginia Income Maintenance Manual

VII. FINDINGS OF FACT:

- 1) The Claimant made an application for LIEAP 12/13/2006.
- 2) The Claimant reported she was self-employed. The caseworker pended the case in order for the Claimant to verify her income. The income was not verified and the application was denied.
- 3) A letter was sent to the claimant on 01/10/2007 which reads in part: Your application dated 12/13/06 for Home Heating Assistance under the Low Income Energy Assistance Program has been denied. Reason: You did not turn in all requested information. (Exhibit D-2)
- 4) Testimony from the Claimant revealed that she did verify the income, but is not sure when. She does not know how the Department got the self-employment. She reported she helps her neighbor when feeling up to it. One time she had give her \$50.00. She tried to sell Avon. She ended up in the hospital. She doesn't have any income. She was in the office on December 22 or 23 and brought the information.
- 5) The Department's Representative checked the case file. Recordings show the Claimant was in the office and applied for LIEAP 12/13/2006. There is no other recording until 01/03/2007 when a request was received from a patient advocate to help the Claimant receive Medicaid.

- 6) Section 26.3C of the West Virginia Income Maintenance Manual reads in part that 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 Worker must decide when and what information must be verified or when additional 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.
- 7) Section 26.3C #1 of the West Virginia Income Maintenance Manual reads in part: Income from all sources for the AG must be verified when the applicant indicates a source of earned income for any AG member.

VIII. CONCLUSIONS OF LAW:

- 1) Policy dictates income from all sources for the AG must be verified when the applicant indicates a source of earned income for any AG member.
- 2) There was no clear testimony or evidence provided by the Claimant to show that the information requested by the Department was provided timely.
- 3) The denial of the LIEAP application is valid.

IX. DECISION:

It is the finding of the State Hearing Officer that the Department is upheld in the decision to deny the Claimant's LIEAP application.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 5th Day of June, 2007.

**Margaret M. Mann
State Hearing Officer**