



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
203 East Third Avenue
Williamson, WV 25661

Joe Manchin III
Governor

Patsy A. Hardy, FACHE, MSN, MBA
Cabinet Secretary

July 13, 2010

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held March 25, 2010. Your hearing request was based on the Department of Health and Human Resources' action to deny your Low Income Energy Assistance (LIEAP) application.

In arriving at a decision, the State Hearings 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 LIEAP Program is based on current policy and regulations. Some of these regulations state that 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. (WV Income Maintenance Manual Section 26.1)

The information submitted at your hearing reveals that you did not submit a completed application during the period of time in which the LIEAP program was open to accept applications during the fall 2009 Regular LIEAP application period.

It is the decision of the State Hearings Officer to **uphold** the Department in not approving LIEAP benefits for you.

Sincerely,

Stephen M. Baisden
State Hearing Officer
Member, Board of Review

cc: Erika Young, Chairman, Board of Review
Sheila Napier, WV DHHR, [REDACTED] County Office

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

-----,

Claimant,

v.

Action Number: 10-BOR-992

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 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 March 25, 2010 on a timely appeal, filed on March 5, 2010.

II. PROGRAM PURPOSES:

The goal of the Low Income Energy Assistance Program (LIEAP) is to provide financial assistance to eligible households that are affected by rising costs of home heating which are excessive in relation to household income. It is not the purpose of this program to meet the entire cost of home heating during the winter season. Instead, the program is designed to partially offset the continuing rise in costs of home heating.

III. PARTICIPANTS:

-----, Claimant
Sheila Napier, Income Maintenance Worker, WV DHHR, ██████████ County Office

Presiding at the Hearing was Stephen M. Baisden, State Hearings Officer and a member of the State Board of Review.

The State Hearings Officer placed both participants under oath at the beginning of the hearing.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether the Agency was correct in its action to deny the Claimant's application for non-emergency LIEAP.

V. APPLICABLE POLICY:

WV Income Maintenance Manual Chapter 26.1.

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Screen Print from RAPIDS system indicating letter history for Case #4004855845
- D-2 Application letter reprinted from RAPIDS system, dated October 19, 2009, for the 20% Utility Discount Program
- D-3 Screen Print from RAPIDS system indicating letter history for Case #3009387733

VII. FINDINGS OF FACT:

- 1) WV Income Maintenance Manual Chapter 26, Section 1.B states as follows:

MAIL-OUT APPLICATIONS

The LIEAP mail-out contains an application form and an instruction sheet. It is mailed to targeted [assistance groups], usually those that 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 age 6, or any household which received LIEAP during the last LIEAP season. These applications are mailed prior to the program starting date. The client may choose to return the completed form and information by mail or complete it online by use of West Virginia inROADS.

WV Income Maintenance Manual Chapter 26, Section 1.D states as follows:

OPEN APPLICATION INTAKE PERIOD

During the annual open application intake period, individuals who were not included in the mailing may apply for LIEAP at their local DHHR office . . . The application is also available on the DHHR website . . .

- 2) Claimant contends that he received a Regular LIEAP application by mail and returned it promptly to the ██████████ County DHHR in October 2009. He stated that he did not receive any notification as to whether or not he was approved for the Regular LIEAP benefit.
- 3) Department's representative testified that the benefits issuance computer system, called RAPIDS, indicates Claimant was issued an application for the Special Reduced Residential Service Rates for Eligible Low-Income Residential Customers of Electricity and Gas program, which provides eligible applicants a 20% reduction of their utility rates during the cold-weather

months if they heat their homes with electricity or natural gas. To verify this, she submitted a print-out of Claimant's letter-issuance history from the RAPIDS system. (Exhibit D-1.) Department's representative testified that the computer system shows that there was nothing related to the LIEAP program for the 2009 LIEAP application period which was issued to Claimant.

VIII. CONCLUSIONS OF LAW

- 1) The policy and regulations that govern the LIEAP program dictate that in order to qualify, the applicant must submit an application to the program either by mail, via the internet, or in person. This application must be submitted within the period of time designated by the LIEAP program policy.
- 2) It is clear from the testimony provided during this hearing that the Claimant did not receive an application for Regular LIEAP during the 2009 LIEAP application period. No evidence was offered to indicate that he applied for LIEAP in person or via internet.
- 3) Since the Department did not receive a LIEAP application from Claimant, the Department was correct to not issue Regular LIEAP benefits in Claimant's behalf to his primary heat source utility.

IX. DECISION:

Since Claimant did not apply for the Low Income Energy Assistance (LIEAP) during the Regular LIEAP application period in 2009, the Department's is **upheld** in not approving LIEAP benefits for Claimant.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision
Form IG-BR-29

ENTERED this 13th Day of July, 2010.

Stephen M. Baisden, State Hearing Officer