



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
2699 Park Avenue, Suite 100  
Huntington, WV 25704

Earl Ray Tomblin  
Governor

Michael J. Lewis, M.D., Ph. D.  
Cabinet Secretary

March 3, 2011

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Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held March 1, 2011. Your hearing request was based on the Department of Health and Human Resources' failure to process your Low Income Energy Assistance Program (LIEAP) application.

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 LIEAP is based on current policy and regulations. Some of these regulations state that when a LIEAP application is received through inROADS, the signature page must be postmarked by the close of business on the last day of the intake period (West Virginia Income Maintenance Manual, Chapter 26.1.D).

The information submitted at your hearing revealed that you initiated the LIEAP application process online, through the Department's inROADS website, on December 5, 2010 and December 8, 2010, but that neither application attempt was complete without a signature page.

It is the decision of the State Hearing Officer to **uphold** the Department's failure to process incomplete LIEAP application attempts.

Sincerely,

Todd Thornton  
State Hearing Officer  
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review  
Donald Thomas, Department Representative

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

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**Claimant,**

v.

**Action Number: 11-BOR-527**

**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 March 3, 2011, 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 1, 2011 on a timely appeal, filed February 3, 2011.

**II. PROGRAM PURPOSE:**

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  
Donald Thomas, Department Representative

Presiding at the Hearing was Todd Thornton, State Hearing Officer and a member of the State Board of Review.

All persons offering testimony were placed under oath.

**IV. QUESTION TO BE DECIDED:**

The question to be decided is whether or not the Department was correct to not process the Claimant's LIEAP application, based on the completeness of the application.

**V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual, Chapter 1.2; Chapter 26.1; Chapter 26.3

**VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:**

**Department's Exhibits:**

- D-1** Hearing/Grievance Request Notification form
- D-2** Written hearing request of the Claimant
- D-3** Application Search Results from the inROADS website, for the Claimant
- D-4** Application Search Results from the inROADS website, for December 7, 2010 and December 8, 2010
- D-5** West Virginia Income Maintenance Manual, Chapter 1.2; Chapter 26.3

**Claimant's Exhibit:**

- C-1** Hearing Summary

**VII. FINDINGS OF FACT:**

- 1) Donald Thomas, representative for the Department, testified that two attempts were made by the Claimant to apply online – using the Department's inROADS website – for the Low Income Energy Assistance Program (LIEAP). Mr. Thomas testified that these attempts were incomplete because they did not include a signature page. He testified that there is no denial letter issued to the Claimant because the Department does not respond with a denial letter to incomplete application attempts.
  
- 2) Mr. Thomas presented two search documents (Exhibits D-3 and D-4) from the inROADS system. The first (Exhibit D-3) shows the Claimant's two attempted LIEAP applications on December 5, 2010 and December 8, 2010. The second (Exhibit D-4) shows a series of inROADS applications in December 2010, with case names redacted, for comparison purposes. Mr. Thomas testified that when the field marked "Option" is populated with "View or Print," or the "Application Type" field is populated with "E-signed" for programs allowing an electronic signature, a signature is received by the Department. Because these fields are blank on the printout of the Claimant's application attempts, the applications lack a signature and are incomplete.

- 3) The Claimant testified that she started an application on December 5, 2010 that was not completed, but did complete and electronically sign her second attempt on December 8, 2010. She testified that she made attempts to contact Department workers to find out the status of her LIEAP application, and ultimately requested this hearing when she discovered that the application had been “deactivated.” She opined that online applications should be treated the same way as paper applications, specifically that applicants should be contacted to prompt the completion of incomplete applications. Mr. Thomas testified that the Department does not routinely contact applicants in the manner described, and when they do, it is dependent on work demands and is done out of courtesy, not because of policy or a procedural requirement.
  
- 4) The West Virginia Income Maintenance Manual, Chapter 26.1.D, states, in pertinent part:

#### D. OPEN APPLICATION INTAKE PERIOD

During the annual open application intake period, individuals who did not receive an automatic payment or were not included in the mailing may apply for LIEAP at their local DHHR office or at any of the outreach locations listed in item B,1. The application is also available on the DHHR website at [www.wvinroads.org](http://www.wvinroads.org). If the application is received through inROADS, the signature page must be postmarked by the close of business on the last day of the intake period.

### VIII. CONCLUSION OF LAW:

- 1) Policy for LIEAP requires a signature before an application is complete. The testimony and evidence presented by the Department shows that the attempts made by the Claimant were not complete applications. The Department’s response to incomplete LIEAP application attempts by the Claimant was correct.

### IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the Department’s response to incomplete LIEAP application attempts by the Claimant.

### X. RIGHT OF APPEAL:

See Attachment

**XI. ATTACHMENTS:**

The Respondent's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this \_\_\_\_\_ Day of March, 2011.**

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**Todd Thornton**  
**State Hearing Officer**