



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Earl Ray Tomblin
Governor

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

May 19, 2011

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held May 10, 2011. 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: The LIEAP application is available on the DHHR website at 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. (West Virginia Income Maintenance Manual Section 26.1, D)

Information submitted at your hearing reveals that the signature page of your application was submitted prior to the LIEAP application deadline.

It is the decision of the State Hearing Officer to **reverse** the action of the Department to deny your application for the Low Income Energy Assistance Program.

Sincerely,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Amanda Williamson, ESW, DHHR

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

-----,

Claimant,

v.

Action Number: 11-BOR-698

**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 convened via videoconference on May 10, 2011 on a timely appeal filed March 4, 2011. The hearing was originally scheduled for April 22, 2011, but was rescheduled at the Claimant's request.

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

-----, Claimant's cohabitor

Amanda Williamson, Economic Service Worker, DHHR

James Cox, Community Services Manager, DHHR

Presiding at the hearing was Pamela L. Hinzman, State Hearing Officer and a member of the State Board of Review.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether the Department took the correct action in denying the Claimant's Low Income Energy Assistance Program application.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Sections 26.1 and 26.1, D

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Copy of inROADS internet application signature page received by Department on December 7, 2010
- D-2 Copy of inROADS regular LIEAP application received by Department on December 13, 2010
- D-3 Copy of inROADS search results page for all inROADS applications received from Claimant from 2006 through 2011 (to date).
- D-4 Notice of Decision dated January 26, 2011
- D-5 Copy of memorandum dated December 10, 2010 verifying that intake for LIEAP ended on December 10, 2010
- D-6 Copy of RAPIDS User Guide Section 20.5 outlining inROADS application codes and procedures
- D-7 Copy of RAPIDS User Guide Section 20.0 verifying application/redetermination number assignment procedures

VII. FINDINGS OF FACT:

- 1) The Claimant submitted an application signature page for the Low Income Energy Assistance Program (LIEAP) to the Department on December 7, 2010 (D-1). This signature page was printed from the Department's Information Network for Resident Online Access and Delivery of Services (inROADS) internet application system.
- 2) DHHR Economic Service Worker Amanda Williamson testified that while the signature page was received from the Claimant on December 7, 2010, the Claimant did not submit his LIEAP application via inROADS until December 13, 2010 (D-2).
- 3) Ms. Williamson testified that the Claimant was determined ineligible for LIEAP benefits because the intake period ended at the close of business on December 10, 2010, according to a memorandum from Danita Jones, HHR Specialist Senior, dated December 10, 2010 (D-5). The memorandum states that no applications from walk-ins may be accepted after December 10, 2010 and applications postmarked after December

- 4) The Department sent the Claimant a Notice of Decision on January 26, 2011 (D-4) advising him that his LIEAP application had been denied.
- 5) The Claimant contended that he made only one LIEAP application via inROADS, which he completed and submitted electronically from his home computer. Exhibit D-1 indicates that the signature page submitted by the Claimant on December 7, 2010 was printed from inROADS on December 6, 2010. The Claimant testified that he could not recall whether he was given the option to print out an entire LIEAP application at that time, or whether he was only given an option to print the signature page. He believes that the application received on December 13, 2010 is the same application he completed on December 6, 2010. He stated that he pushed the “submit” button for the application and assumed the application was sent to DHHR, as he did not receive any error messages. The Claimant maintained that there may have been a “glitch” in the inROADS system. He testified that he knew the application deadline was December 10, 2010, so he would not have attempted to submit an application after that date.

The Economic Service Worker testified regarding Exhibit D-3, which shows the Claimant’s inROADS application history from 2006 through 2011 (to date). The search results show that the Claimant submitted a LIEAP application on December 13, 2010 and no other LIEAP applications are identified.

The Economic Service Worker testified that she is unaware of any computer problems that may have prevented transmission of an inROADS application to the Department. DHHR Community Services Manager James Cox indicated that applications made via inROADS may not be received by the Department if an applicant omits responses to certain questions. The Economic Service Worker stated that the Recipient Automated Payment and Information Data System (RAPIDS) Project User Guide Chapter 20 (D-7) states that LIEAP applications will be assigned an application number beginning with a “W.” She indicated that there is no LIEAP application number on the signature page submitted by the Claimant.

- 6) West Virginia Income Maintenance Manual Section 26.1 states, in part:

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-served basis, but may also be subject to disbursement based on need. When this occurs, priority will be given to those groups of individuals with the greater energy burden as demonstrated by income, household size, and heating cost.

- 7) West Virginia Income Maintenance Manual Section 26.1, D states:

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. 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.

- 8) RAPIDS Project User Guide Chapter 20 (D-7) states that the inROADS application process is interactive and ends with the option to print the application for signature or indicate no available printer. When the customer chooses to stop the application process, he may either cancel or stop and save the application. At the end of the application, the customer is instructed to submit verifications, provided with the date the information is due and given the address of the local DHHR or Customer Service Center office to which to send the verification.

VIII. CONCLUSIONS OF LAW:

- 1) Policy states that the Low Income Energy Assistance Program is a time-limited program and is subject to closure without prior notice when funds have been exhausted. In addition, policy states that individuals may apply for LIEAP benefits at the inROADS website. 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. A Department memorandum regarding the program deadline indicates that the “signature page for inROADS applications must be received or postmarked by December 10th.”
- 2) Evidence indicates that the Claimant submitted a signature page for his LIEAP application on December 7, 2010. While the Department did not receive the Claimant’s application electronically from inROADS until December 13, 2010, the Claimant provided credible testimony that he submitted the application at the time he printed the signature page and received no error messages alerting him of transmission problems. As the signature page was submitted prior to the program deadline, the application should be considered timely and evaluated for eligibility.

IX. DECISION:

It is the decision of the State Hearing Officer to **reverse** the Agency’s action to deny the Claimant’s LIEAP application as untimely.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 19th Day of May 2011.

Pamela L. Hinzman
State Hearing Officer