



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW  
1400 Virginia Street  
Oak Hill, WV 25901

Earl Ray Tomblin  
Governor

Karen L. Bowling  
Cabinet Secretary

March 19, 2015



RE: [REDACTED] v. WV DHHR  
ACTION NO.: 15-BOR-1234

Dear Mr. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

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.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Kristi Logan  
State Hearing Officer  
Member, State Board of Review

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

cc: Travis Hart, [REDACTED] County DHHR

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

████████████████████

**Claimant,**

v.

**Action Number: 15-BOR-1234**

**WEST VIRGINIA DEPARTMENT OF  
HEALTH AND HUMAN RESOURCES,**

**Respondent.**

**DECISION OF STATE HEARING OFFICER**

**INTRODUCTION**

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing was convened on March 17, 2015, on an appeal filed February 4, 2015.

The matter before the Hearing Officer arises from the January 12, 2015, decision by the Respondent to deny the Claimant's application for Low Income Energy Assistance Program (LIEAP) benefits.

At the hearing, the Respondent appeared by Travis Hart, Economic Service Supervisor. The Claimant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Department's Summary
- D-2 WV Income Maintenance Manual Chapter 10, Appendix A
- D-3 WV Income Maintenance Manual §26.2
- D-4 Notice of Decision dated January 12, 2015

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

### **FINDINGS OF FACT**

- 1) The Claimant requested that his household be automatically evaluated for LIEAP benefits on December 2, 2014. A Notice of Decision (D-4) was issued to the Claimant on January 12, 2015, advising him that LIEAP benefits had been denied due to excessive income.
- 2) The Department contended that the Claimant's gross household income in December 2014 was calculated as \$1,794 monthly. The allowable limit (D-2) for LIEAP for a two-person Assistance Group (AG) is \$1,705 monthly.
- 3) The Claimant did not dispute the amount of income his household received as reported by the Department. The Claimant is disabled and questioned if this made any difference in the eligibility determination for LIEAP.

### **APPLICABLE POLICY**

WV Income Maintenance Manual §26.2 A(1) states that the total monthly gross income of the AG must not be more than the maximum allowable gross income amounts listed in policy. No income deductions or disregards apply except when the income is from self-employment. When the gross monthly income of the AG exceeds the maximum allowable income amounts, the entire AG is ineligible for LIEAP.

WV Income Maintenance Manual Chapter 10, Appendix A lists the income limit for LIEAP for an AG of two (2) as \$1,705.

### **DISCUSSION**

The Claimant did not dispute the amount of income used to determine his eligibility for LIEAP. The income for the Claimant's Assistance Group is unearned income, and therefore is not entitled to any deductions.

### **CONCLUSIONS OF LAW**

Whereas the total gross income of the Claimant's Assistance Group exceeded the allowable limit as set forth in policy, the Department was correct to deny the Claimant application for LIEAP.

### **DECISION**

It is the decision of the State Hearing Officer to **uphold** the Department's denial of the Claimant's application for Low Income Energy Assistance Program benefits.

**ENTERED this 19<sup>th</sup> day of March 2015**

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**Kristi Logan  
State Hearing Officer**