



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW  
9083 Middletown Mall  
White Hall, WV 26554

Earl Ray Tomblin  
Governor

Karen L. Bowling  
Cabinet Secretary

April 9, 2015



RE: [REDACTED] v. WVDHHR  
ACTION NO.: 15-BOR-1291

Dear Ms. [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,

Thomas E. Arnett  
State Hearing Officer  
Member, State Board of Review

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

cc: David J. Griffin, WVDHHR

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

██████████,

**Claimant,**

v.

**Action Number: 15-BOR-1291**

**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 April 7, 2015, on an appeal filed February 11, 2015.

The matter before the Hearing Officer arises from the February 6, 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 David J. Griffin, an Economic Services Supervisor. The Claimant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Notice of Denial - dated 2/6/15
- D-2 Employment income verification provided by Youth Services – dated 2/6/15 (mailed to the Department by the Claimant on 2/10/15)
- D-3 Case Comments recorded by the eligibility worker on 2/5/15

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 completed an application for Low Income Energy Assistance Program (LIEAP) benefits on February 5, 2015.
- 2) The Claimant reported income in the amount of \$474 per month in Social Security Administration (SSA) benefits and employment earnings of \$9.75 per hour while working 24 hours per week at [REDACTED] (D-3).
- 3) On or about February 6, 2015, the Claimant was notified (D-1) that her application was denied because her gross monthly income (\$1,628) exceeded the maximum allowable income (\$1,265) for a 1-person Assistance Group (AG).
- 4) As a matter of record, the Claimant provided verification from her employer ([REDACTED]), subsequent to Respondent's denial notice, verifying that she was actually paid an hourly rate of \$9.25 (D-2). While this document fails to indicate how many hours per week the Claimant was working, the verified hourly rate (\$9.25) at 24 hours per week ( $9.25 \times 24 \times 4.3 = \$954.60$ ) added to her SSA benefits ( $\$954.60 + \$474 = \$1,428.60$ ) exceeds the maximum allowable income (\$1265) for a one-person LIEAP AG.
- 5) The Claimant contended that she changed employment positions and that a human resources glitch by her employer caused her to receive her employment earnings late. A copy of those paychecks were reviewed at the hearing and further confirmed that her combined income - employment earnings and SSA benefits - exceeded the maximum allowable income for a one-person LIEAP AG.

## **APPLICABLE POLICY**

Pursuant to the WV Income Maintenance Manual §26.2, eligibility for Regular LIEAP is based on a number of factors, including income, AG size, vulnerability to the cost of home heating, residence and citizenship.

The WV Income Maintenance Manual §26.2.A.1 stipulates that the total monthly gross income of the assistance group (AG) must not be more than the maximum allowable gross income amounts in the chart in Chapter 10, Appendix A. No income deductions or disregards apply except in the determination of gross profit for self-employment. When the gross monthly income of the AG exceeds the maximum allowable income amounts, the group is ineligible for LIEAP and the application is denied.

According to the WV Income Maintenance Manual §10, Appendix A, the maximum allowable monthly income for a one-person LIEAP AG is \$1,265

### **DISCUSSION**

The regulations that govern LIEAP benefits provide that the total monthly gross income of the assistance group (AG) cannot exceed the maximum allowable monthly income limit. The maximum allowable income for a one-person AG is \$1,265. Evidence proffered at the hearing confirms that while the Claimant received her employment earnings later than expected, her gross monthly income exceeded the maximum allowable income limit for LIEAP eligibility.

### **CONCLUSION OF LAW**

Whereas the Claimant's income clearly exceeds the maximum allowable income for a one-person AG, LIEAP benefits were correctly denied.

### **DECISION**

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

**ENTERED this \_\_\_\_\_ day of April 2015**

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**Thomas E. Arnett**  
**State Hearing Officer**