



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

Karen L. Bowling  
Cabinet Secretary

April 10, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 15-BOR-1316

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,

Todd Thornton  
State Hearing Officer  
Member, State Board of Review

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

cc: Emily Russell, Department Representative

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

██████████,

**Claimant,**

v.

**Action Number: 15-BOR-1316**

**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 1, 2015, on an appeal filed February 13, 2015.

The matter before the Hearing Officer arises from the Claimant's argument that she submitted an application for the Low-Income Energy Assistance Program (LIEAP) that has not been processed by the Respondent. Because the Respondent's position is that no LIEAP application was submitted by the Claimant, there is no notification letter.

At the hearing, the Respondent appeared by Emily Russell. The Claimant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1            Memorandum dated January 12, 2015 regarding the "Opening of Regular LIEAP Public Intake"
- D-2            Screen print of a Reception Log Search for documents submitted for the Claimant's case between January 1, 2015, and March 31, 2015
- D-3            Screen print of a Reception Log Entry for a January 20, 2015 document submitted for the Claimant's case

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) Respondent accepted applications for LIEAP – a seasonal energy assistance program – between January 26, 2015, and February 6, 2015. (Exhibit D-1)
- 2) Claimant testified she submitted a LIEAP application during that period.
- 3) Emily Russell, representative for the Respondent, presented a screen print summarizing the results of a search of all documents submitted on the Claimant’s case from January 1, 2015, through March 31, 2015. (Exhibit D-2) An application was submitted on January 20, 2015, and verification was submitted on February 3 2015.
- 4) Another screen print from the Respondent’s data system (Exhibit D-3) details the January 20, 2015 application as one for “QMB/SLIMB” – types of Medicaid also administered by the Respondent.
- 5) When asked to offer eligibility questions that would distinguish such a Medicaid application from a LIEAP application, Ms. Russell testified the Medicaid application would ask about assets, but the LIEAP application would not.
- 6) Claimant testified the application she was referring to asked about assets.

## **APPLICABLE POLICY**

Policy for the LIEAP program (and its emergency component) is located in the West Virginia Income Maintenance Manual (WVIMM), Chapter 26.

Specifically, WVIMM §26.3 reads, “In order to maintain controls for receiving, processing and completing follow-up on applications to assure that checks are issued, the local office must retain a LIEAP application register or log that indicates, at a minimum, the name of the applicant, how and when the application was received (e.g., mail, office visit or from another agency) and if the application is for Regular or Emergency LIEAP.”

## **DISCUSSION**

The Respondent met their policy requirement to log incoming LIEAP applications, and clearly showed that the Claimant did not submit an application for that program within the limited timeframe of the program. Unfortunately the Claimant appears to have confused a Medicaid application submitted with a LIEAP application.

## **CONCLUSION OF LAW**

- 1) Because the Claimant did not submit a LIEAP application, the Respondent could not determine the Claimant’s eligibility for the program.

**DECISION**

It is the decision of the State Hearing Officer to **uphold** the Respondent's determination that the Claimant was ineligible for LIEAP benefits as there was no application made.

ENTERED this \_\_\_\_ Day of April 2015.

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