



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
203 East Third Avenue  
Williamson, WV 25661

Earl Ray Tomblin  
Governor

Karen L. Bowling  
Cabinet Secretary

April 29, 2015



RE: [REDACTED] v. WV DHHR  
ACTION NO.: 15-BOR-1715

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,

Stephen M. Baisden  
State Hearing Officer  
Member, State Board of Review

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

cc: Tera Pendleton, WV DHHR, [REDACTED] Office

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

██████████,

**Claimant,**

v.

**ACTION NO.: 15-BOR-1715**

**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' (WV DHHR) Common Chapters Manual. This fair hearing was convened on April 28, 2015, on an appeal filed March 31, 2015.

The matter before the Hearing Officer arises from the March 3, 2015 decision by the Respondent to deny the Claimant's application for the Low-Income Energy Assistance Program (Regular LIEAP).

At the hearing, the Respondent appeared by Representative Elijah Harper, Economic Service Supervisor at the WV DHHR, ██████████ Office. The Claimant appeared *pro se*. The participants were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Case Recordings from the Claimant's case record, from April 17, 2014 to March 2, 2015
- D-2 inRoads application from Claimant for Regular LIEAP, dated February 4, 2015
- D-3 Verification Checklist letter from Department, dated February 11, 2015
- D-4 LIEAP Denial letter from Department, dated March 3, 2015
- D-5 WV DHHR Income Maintenance Manual (IMM), chapter 26, §26.3.C.6

**Claimant's Exhibits:**

None

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) On February 4, 2015, the Claimant submitted to the Department an application for Regular (non-emergency) LIEAP (Exhibit D-2) through the Department's internet application service, known as inRoads. On the section of the application labeled "Housing Bills" (Exhibit D-2, page 6), the Claimant has entered information to the effect that she pays for her household heating by making payments to a utility company and her household primary heating source is natural gas. She also entered a nine-digit account number for her natural gas service.
- 2) On February 11, 2015, the Department sent to the Claimant a letter labeled "Verification Checklist" (Exhibit D-3). The letter reads as follows in part: "You need to provide documentation listed on the following pages for us to determine your eligibility for the programs listed . . . Verification: Has an account number been provided (PSC Utility)? Program: Low-Income Energy Assistance Program."
- 3) On March 3, 2015, the Department sent to the Claimant a letter (Exhibit D-4) that reads as follows in part, "Your application for Low-Income Energy Assistance Program (LIEAP) dated 02-04-2015 has been [denied] . . . Denied individuals did not provide PSC-regulated utility account number."
- 4) The Claimant testified that all of the correspondence she received from the Department instructed her to provide an account number, and she provided that number on her application form. She stated she did not understand why her Regular LIEAP application was denied when she provided the requested information, her natural gas service account number.

### **APPLICABLE POLICY**

WV Income Maintenance Manual (IMM), Chapter 26, §26.3.C.6 reads as follows: "The applicant is required to submit a heating service bill in order to verify the customer account number. Failure to supply this bill or to otherwise provide this information will result in denial of the LIEAP application."

WV Income Maintenance Manual (IMM), Chapter 26, §26.3.B.4 reads as follows: "Applicants must be allowed no more than 10 working days to submit verification."

## **DISCUSSION**

Policy is clear that a Regular LIEAP applicant must provide a heating service bill in order to verify the customer account number. This is necessary in order to ensure that the LIEAP payment will be a benefit to the applicant and not some other account holder.

However, the Claimant was correct to point out that she received no correspondence directly requiring her to make a utility bill available. The letters she received (Exhibits D-3 and D-4) merely required her to provide a Public Service Commission (PSC) utility account number, which she did.

## **CONCLUSION OF LAW**

The Department did not act correctly to deny the Claimant's February 4, 2015, application for Regular LIEAP. Pursuant to WV IMM, §§26.3.B.4 and 26.3.C.6, the Claimant should be given the opportunity to provide a utility bill in order to verify her PSC utility account number.

## **DECISION**

It is the decision of the state Hearing Officer to **reverse** the Department's decision to deny the Claimant's application for Regular LIEAP. This matter is hereby **remanded** to the WV DHHR, [REDACTED] office, to determine the Claimant's eligibility for Regular LIEAP. The Claimant will have ten days from the date of this decision to provide verification of her Public Service Commission utility account number.

**ENTERED this 29<sup>th</sup> Day of April 2015.**

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**Stephen M. Baisden**  
**State Hearing Officer**