

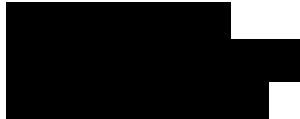


STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW  
1400 Virginia Street  
Oak Hill, WV 25901

Jim Justice  
Governor

Bill J. Crouch  
Cabinet Secretary

May 16, 2017



RE: [REDACTED] v. WV DHHR  
ACTION NO.: 17-BOR-1500

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,

Kristi Logan  
State Hearing Officer  
Member, State Board of Review

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

cc: Jennifer Reno, [REDACTED] County DHHR

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

████████████████████,

**Appellant,**

v.

**Action Number: 17-BOR-1500**

**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 May 11, 2017, on an appeal filed March 21, 2017.

The matter before the Hearing Officer arises from the March 9, 2017, decision by the Respondent to deny the Appellant's application for regular Low Income Energy Assistance Program (LIEAP) benefits.

At the hearing, the Respondent appeared by Jennifer Reno, Economic Service Worker. The Appellant appeared *pro se*. Appearing as a witness for the Appellant was ██████████, the Appellant's father. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

D-1 Department's Summary

D-2 Hearing Request received March 21, 2017

D-3 Notices of Decision dated March 9, 2017

D-4 Statement from Appellant, Verification Checklist dated February 17, 2017, Statement from ██████████ received March 6, 2017, Statement from ██████████ received March 21, 2017

D-5 Case Comments from September 2016-March 2017

D-6 West Virginia Income Maintenance Manual §26.2 (excerpt)

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 Appellant applied for regular LIEAP benefits on February 16, 2017.
- 2) The Appellant provided a statement with her LIEAP application attesting that she received money from her father each month (Exhibit D-4).
- 3) The Respondent requested that the Appellant provide verification of the amount of money she received from her father each month by March 4, 2017 (Exhibit D-4).
- 4) The Appellant submitted a statement from her father, [REDACTED], on March 6, 2017, reporting that he helped his daughter pay her electric bill, but did not indicate a specific monthly amount (Exhibit D-4).
- 5) The Appellant's LIEAP application was denied on March 8, 2017, for failure to verify income (Exhibit D-3).
- 6) Intake for Regular LIEAP applications ended on February 17, 2017.
- 7) The Appellant submitted a statement from Mr. [REDACTED] detailing the amount of money he gave her from March 2016-March 2017 to the Respondent on March 21, 2017 (Exhibit D-4).

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual §26.1 states LIEAP is a time-limited program and is dependent on the availability of federal funds. It is subject to closure without prior notice when funds are deemed to have been exhausted.

West Virginia Income Maintenance Manual §26.3(D) states verification is the process of documenting statements and information provided by the applicant. Although specific guidelines for verifying certain eligibility criteria are indicated in policy, the Worker may request verification of any information provided by the applicant in determining eligibility for LIEAP benefits. The responsibility of the applicant in the eligibility determination process includes the effort to obtain required verifications.

West Virginia Income Maintenance Manual §26.3(F) states that regular LIEAP applicants must be allowed 15 calendar days to respond to requests from the Worker for additional information.

Failure to respond results in denial of the application. The Worker must notify the client of the eligibility decision within 30 days of the date of application.

### **DISCUSSION**

The Appellant applied for LIEAP benefits and reported receiving money from her father. The Respondent requested a statement from the Appellant's father documenting the amount of money he contributed to her household each month. The due date of the verification was March 4, 2017. The statement provided by the Appellant on March 6, 2017, did not specify the amount of money her father gave her each month, and the LIEAP application was denied.

The Respondent contended that she attempted to contact Mr. [REDACTED] on March 8, 2017, to verify the amount of money he gave the Appellant received each month, but was unable to reach him. Although the Appellant eventually provided income verification to the Respondent, the intake period for LIEAP applications had ended and her application could not be approved.

The Appellant testified that the due date of the income verification was a Saturday, and she submitted the statement from her father the next business day, March 6, 2017. The Appellant contended that she offered to bring a new statement to the Respondent, when she learned the application was going to be denied, but was told it was too late. The Appellant's father testified that no one attempted to contact him about the statement.

The verification request issued by the Respondent clearly requested that the statement from the Appellant's father document the amount of money he gave her each month. The statement provided by the Appellant failed to meet this requirement. Although the due date of the income verification fell on a weekend, the denial was not processed until March 8, 2017, at which time the Respondent attempted to obtain the verification on the Appellant's behalf. The Appellant did not submit income verification until several weeks later, and as LIEAP is a time-limited program, the application intake period had expired.

### **CONCLUSIONS OF LAW**

- 1) Policy stipulates that LIEAP applicants be given fifteen (15) days to verify requested information.
- 2) The Appellant was notified by the Respondent on February 17, 2017, that verification of her monthly income amount was needed by March 4, 2017, or the application would be denied.
- 3) The statement submitted by the Appellant on March 6, 2017, did not verify the amount of income she received, and the application was denied.
- 4) The Respondent was correct to deny the Appellant's LIEAP application for failure to verify income.

**DECISION**

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

**ENTERED this 16<sup>th</sup> day of May 2017**

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**Kristi Logan  
State Hearing Officer**