



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
150 Maplewood Avenue
Lewisburg, WV 24901

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

April 6, 2006

Dear Ms. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held April 4, 2006. Your hearing request was based on the Department of Health and Human Resources' action to deny your application for emergency assistance.

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.

Eligibility for the Emergency Assistance Program is based on current policy and regulations. Some of these regulations state as follows: When the Worker does not have sufficient information to make a decision on the application, it is necessary to complete Form ES-6 or verification checklist to inform the applicant of the additional information needed. The failure to return information or the rest of incomplete or incorrect information that prevents a decision from being made on the application will be considered failure to provide verification and will result in the denial of the application. (Section 19.2C #1(c) of the West Virginia Income Maintenance Manual)

The information which was submitted at your hearing revealed that you made an application for emergency assistance 03/21/06 for electric and water. You did not provide all of the requested information timely.

It is the decision of the State Hearing Officer to uphold the action of the Department to deny your application for emergency assistance.

Sincerely,

Margaret M. Mann
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Murriel Hylton, DHHR

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

_____,

Claimant,

v.

Action Numbers: 06-BOR-1503 & 1504

**West Virginia Department of
Health and Human Resources,**

Respondent.

DECISION OF STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on April 4, 2006 for _____. This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened on April 4, 2006 on a timely appeal, filed March 29, 2006.

It should be noted here that the claimant's benefits have been denied.

II. PROGRAM PURPOSE:

The Program entitled Emergency Assistance is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

Emergency Financial Assistance is used to assist individuals and families in meeting a financial crisis when they are without available resources. The program is designed to provide short-term emergency financial assistance with which eligible individuals and families may obtain items or services needed to eliminate an emergency or crisis. Those who are in need of and qualify for emergency financial assistance may already be participating in an economic or social service program.

III. PARTICIPANTS:

_____, Claimant
Murriel Hylton, Department Hearing Representative

Presiding at the Hearing was Margaret M. Mann, State Hearing Officer and a member of the State Board of Review.

IV. QUESTIONS TO BE DECIDED:

The question(s) to be decided is whether the Department was correct in the decision to deny the claimant's application for emergency assistance because requested information was not received timely.

V. APPLICABLE POLICY:

Section 19.2 of the West Virginia Income Maintenance Manual

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Form IG-BR-29 Hearing/Grievance Record Information
- D-2 Hearing Request dated 03/29/06 and attached letter
- D-3 Denial notice dated 03/27/06
- D-4 Letter for Information Verification dated 03/21/06
- D-5 Portions of Chapter 19.2 and Appendix A, Chapter 19 of the West Virginia Income Maintenance Manual
- D-6 Department's Summary

Claimant's Exhibits:

- C-1 Earnings Statement dated 03/24/06

VII. FINDINGS OF FACT:

- 1) The claimant applied for emergency assistance for help with her electric and water bills on 03/21/06.
- 2) There are two in the AG. The case was pended for verification of _____'s income from the Bluefield Daily Telegraph, the status of her son _____'s UCI application, and also that the claimant had paid the difference between what the disconnect was for the electric bill and water bill and what Emergency Assistance could pay if all eligibility requirements were met. These amounts were \$143.16 for the electric bill and \$81.79 for the water bill. The information was due by 03/24/06. (D-4)
- 3) The above information was not received by 03/24/06.

- 4) A letter was sent to the claimant dated 03/27/06 informing her that the application for Emergency Assistance for electric and water have been denied. Reason: Did not cooperate to relieve emergency situation. (D-3)
- 5) Testimony from the claimant revealed she was unable to gather all of the requested information in the time frame required by the Department.
- 6) Section 19.2C #1(c) of the West Virginia Income Maintenance Manual reads in part that when the Worker does not have sufficient information to make a decision on the application, it is necessary to complete Form ES-6 or verification checklist to inform the applicant of the additional information needed. The failure to return information or the rest of incomplete or incorrect information that prevents a decision from being made on the application will be considered failure to provide verification and will result in the denial of the application.
- 7) Section 19.2C #5 of the West Virginia Income Maintenance Manual reads in part that the Worker must approve or deny the application in RAPIDS. A decision must be made on all applications as soon as possible, or prior to the imminent emergency but no later than three business days from the date of application.

VIII. CONCLUSIONS OF LAW:

- 1) Policy is clear in that decisions must be made on all applications as soon as possible but no later than three business days from the date of application. The failure of a client to return information that prevents a decision from being made on the application will result in the denial of the application.
- 2) The testimony at the hearing revealed that the claimant did not provide the requested information timely.

IX. DECISION:

It is the finding of the State Hearing Officer to uphold the Department's decision to deny the claimant's application for emergency assistance.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 6th Day of April, 2006.

**Margaret M. Mann
State Hearing Officer**