



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL

Bill J. Crouch
Cabinet Secretary

BOARD OF REVIEW
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Jolynn Marra
Interim Inspector General

October 31, 2019



RE: [REDACTED] v. WVDHHR
ACTION NO.:19-BOR-2629

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,

Danielle C. Jarrett
State Hearing Officer
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision
Form IG-BR-29
cc: Lisa Snodgrass, Department Representative

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

██████████,

Appellant,

v.

Action Number: 19-BOR-2629

**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 October 30, 2019, on an appeal filed October 28, 2019.

The matter before the Hearing Officer arises from the October 28, 2019 decision by the Respondent to deny the Appellant's application for Emergency Assistance (EA) payment for water.

At the hearing, the Respondent appeared by Lisa Snodgrass, Family Support Specialist, WVDHHR. The Appellant appeared by counsel, ██████████. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 eRAPIDS computer system screenshot printout of Non-Financial Eligibility Determination
- D-2 eRAPIDS computer system screenshot printout of Non-Financial Eligibility Determination
- D-3 eRAPIDS computer system screenshot printout of Case Summary
- D-4 eRAPIDS computer system screenshot printout of Confirm Eligibility
- D-5 eRAPIDS computer system screenshot printout of Client Notices Summary
- D-6 West Virginia Income Maintenance Manual (WV IMM) § 20.2.1
- D-7 WV IMM § 20.2.2.B through 20.2.2.C

Appellant's Exhibits:

- A-1 Notice of Decision, dated October 29, 2019
- A-2 West Virginia Department of Health and Human Resources (WVDHHR) Application for Emergency Assistance, dated October 28, 2019

- A-3 West Virginia American Water Company bill, dated October 19, 2019
- A-4 Email Correspondence, dated October 21, 2019 through October 22, 2019
- A-5 Written Correspondence from Legal Aid of West Virginia, dated October 18, 2019; and Notice of Decision, dated September 6, 2019

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 September 17, 2019, the Appellant applied for Emergency Assistance (EA) for electric. (Exhibit D-2)
- 2) On September 17, 2019, the Appellant was approved for EA for electric. (Exhibits D-2, D-3, and D-5)
- 3) On October 28, 2019, the Appellant applied for EA for water. (Exhibit A-2, A-3, and D-1)
- 4) By notice dated October 29, 2019, the Respondent advised the Appellant that he was denied for EA. The notice states, “emergency assistant request was not received within the 30 consecutive day limit of eligibility within a 12 month period of time.” (Exhibit A-1)

APPLICABLE POLICY

WV IMM § 20.2.1 explains the EA program is used to assist individuals and families in a financial crisis when they are without available resources. EA provide short-term emergency financial assistance to individuals which are eligible.

WV IMM § 20.2.2.B explains that EA can be authorized during one period of 30 consecutive days in any 12 consecutive months. Payments can be made to meet needs which happened before this 30-day period or needs which may extend past the 30-day period. The first day of the 30-day period of eligibility begins with the date the first Authorization for Payment (DF-67) is approved for payment and ends 29 days later.

WV IMM § 20.2.2.C reads the time limitation policy applies only to authorizations for EA. If an application is denied or withdrawn, the applicant may receive an authorization for EA within twelve months provided he meets the eligibility requirements. The eligibility system maintains a control for all EA applications. NOTE: The only exception to this is when the applicant qualifies for EA based upon natural or man-made disaster, and/or fire.

WV IMM § 20.2.3.E explains that the worker must approve or deny the application in the eligibility system. A decision must be made on all applications as soon as possible, if the

emergency exists, or prior to an imminent emergency, but no later than three (3) business days from the date of application.

WV IMM § 20.2.4.B.1 explains the payment of utility services included under the EA program include those services needed by the Assistance Group (AG) for heating, cooling, lighting, and sanitation.

DISCUSSION

The Appellant requested a fair hearing to contest the October 29, 2019 decision of the Respondent to deny his application for EA payment for water. The Respondent denied the Appellant's October 28, 2019 application due to the time limitation requirement set in EA policy. The Respondent must prove by a preponderance of evidence that it correctly determined the time limitation application in the Appellant's case.

The Appellant applied for EA for his electric on September 17, 2019, and was approved. Policy clearly limits EA eligibility to a single period of thirty (30) consecutive days within a twelve (12) consecutive month period. In accordance with policy, the thirty (30) day period ran from the date of payment authorization, September 17, 2019, and expired twenty-nine (29) days later, at the close of business, October 16, 2019.

The Appellant and his counsel argued that EA for water should be approved because the Department erred when determining his September 2019 Supplemental Nutrition Assistance Program (SNAP) benefit issuance amount. The Appellant testified that because he did not receive his correct allotment of SNAP benefits, he had to use his money to purchase food and he was unable to afford to pay his water bill. The Respondent agreed an error was made in SNAP calculations for the month of September 2019, and an auxiliary of SNAP benefits was issued on October 28, 2019. However, policy does not permit an exception to the thirty (30) day limit except in the occurrence of a natural or man-made disaster and/or fire.

CONCLUSIONS OF LAW

- 1) Because the Appellant was approved for EA on September 17, 2019, and did not meet an exception to policy, his time period for eligibility expired at close of business on October 16, 2019, and will continue for twelve (12) consecutive months from the date of approval.
- 2) Because EA is limited to a single thirty (30) day period within twelve (12) consecutive months, the Appellant's application for EA for water made on October 28, 2019, must be denied.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to deny the Appellant's October 28, 2019 application for Emergency Assistance for water.

ENTERED this _____ day of October 2019.

Danielle C. Jarrett
State Hearing Officer