



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
1400 Virginia Street  
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Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

May 1, 2009

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Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held April 30, 2009. Your hearing request was based on the Department of Health and Human Resources' decision to deny your application for the Emergency Low Income Energy Assistance Program (LIEAP) due to excessive income.

In arriving at a decision, the State Hearings 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 LIEAP program is based on current policy and regulations. Some of these regulations state as follows: The total monthly gross income of the assistance group must not be more than the maximum allowable gross income amounts. No income deductions or disregards apply except in the determination of gross profit for self-employment. When the gross monthly income of the assistance group exceeds the maximum allowable income amounts, the group is ineligible for LIEAP and the application is denied (WV Income Maintenance Manual § 26.2 A).

The information submitted at your hearing revealed that your gross monthly income exceeds the allowable limits for the program.

It is the decision of the State Hearings Officer to **uphold** the decision of the Department to deny your application for Emergency LIEAP due to excessive income.

Sincerely,

Kristi Logan  
State Hearings Officer  
Member, State Board of Review

Cc: Erika H. Young, Chairman, Board of Review  
Susan Lanier, Economic Service Worker

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

-----,

**Claimant,**

**v.**

**Action Number: 09-BOR-1044**

**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 30, 2009 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 30, 2009 on a timely appeal, filed April 1, 2009.

**II. PROGRAM PURPOSE:**

The Program entitled Low Income Energy Assistance Program (LIEAP) is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

The goal of the LIEAP program is to provide financial assistance to eligible households that are affected by rising costs of home heating which are excessive in relation to household income. It is not the purpose of this program to meet the entire cost of home heating during the winter season. Instead, the program is designed to partially offset the continuing rise in costs of home heating.

**III. PARTICIPANTS:**

-----, Claimant

Susan Lanier, Economic Service Worker  
Fred Burns, Economic Service Supervisor

Presiding at the Hearing was Kristi Logan, 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 or not the Department's decision to deny Claimant's application for Emergency LIEAP was correct.

**V. APPLICABLE POLICY:**

WV Income Maintenance Manual § 26.2 A(1) and Appendix A

**VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:**

**Department's Exhibits:**

- D-1 Denial Notification Letter dated March 31, 2009
- D-2 WV Income Maintenance Manual § 26.2 B
- D-3 WV Income Maintenance Manual § 26 Appendix A
- D-4 Social Security Administration Benefit Details Screen (DXSA) from Rapids Computer System
- D-5 Emergency LIEAP Application dated March 30, 2009

**Claimants' Exhibits:**

None

**VII. FINDINGS OF FACT:**

- 1) Claimant applied for Emergency LIEAP on March 30, 2009. A denial notification letter dated March 31, 2009 was issued and read in part (D-1):

Your application dated 3/30/09 for Home Heating Assistance under the Emergency Low Income Energy Assistance Program has been denied.

Income is more than the gross income limit for you to receive benefits.

- 2) Claimant receives Social Security Disability of \$1137 gross a month. Claimant testified that she has been unable to pay her electric bill in its entirety since the rate increase. She could not understand how her income was excessive when her bills exceeded her income.

Claimant stated she has contacted several community resources for help with her electric bill but has received no assistance. Her electricity is due to be cut off today unless she makes a payment.

- 3) WV Income Maintenance Manual § 26.2 A(1) states:

The total monthly gross income of the assistance group (AG) must not be more than the maximum allowable gross income amounts in the chart in Chapter 10, Appendix A. No income deductions or disregards apply except in the determination of gross profit for self-employment. When the gross monthly income of the AG exceeds the maximum allowable income amounts, the group is ineligible for LIEAP [and Emergency LIEAP] and the application is denied.

- 4) WV Income Maintenance Manual § 26 Appendix A states:

2009 LIEAP [and Emergency LIEAP] Income Levels

One person Assistance Group: \$933 - \$1127

**VIII. CONCLUSIONS OF LAW:**

- 1) Policy dictates that the maximum gross income limit for a one person assistance group for LIEAP and Emergency LIEAP is \$1127 monthly. Claimant's gross monthly income is \$1137.
- 2) Claimant's income is excessive to eligible for Emergency LIEAP. The Department correctly denied Claimant's Emergency LIEAP application.

**IX. DECISION:**

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to deny Claimant's application for Emergency LIEAP.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 1<sup>st</sup> Day of May, 2009.**

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**Kristi Logan  
State Hearing Officer**