



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

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

March 15, 2016

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-3688

Dear Mr. [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: Margaret Fain, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 15-BOR-3688

**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 March 10, 2016, on an appeal filed May 5, 2015.

The matter before the Hearing Officer arises from the May 1, 2015, decision by the Respondent to deny the Appellant's application for Emergency Low Income Energy Assistance Program (LIEAP) benefits.

At the hearing, the Respondent appeared by Margaret Fain, Economic Service Worker. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

D-1 Notice of Decision dated May 1, 2015

D-2 Case Comments from April 2015-December 2015

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 Emergency LIEAP benefits for fuel oil on April 24, 2015.
- 2) The Department requested the Appellant provide verification that his regular LIEAP benefit paid to him was used for the purchase of fuel oil.
- 3) The Appellant's Emergency LIEAP application was denied on April 30, 2015, when the Appellant did not return the requested information.
- 4) The Appellant provided the requested verification on May 1, 2015.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §26.3F(2) states that if verification and/or additional information is needed in order to make a decision on an Emergency LIEAP application, the appropriate request form must be completed and given to the applicant at the time of the intake interview. The applicant must be given 5 working days to return the requested information. The applicant must be notified of the eligibility decision as soon as possible but no later than 30 days from the date of application.

DISCUSSION

The Appellant testified that he did not receive a receipt for the fuel he purchased with his regular LIEAP payment, and had to obtain a copy of the receipt from the vendor. The Appellant contended that he tried on several occasions to obtain a copy, but the service station he purchased the fuel from was never open. The Appellant finally secured a copy on May 1, 2015, and turned it in at the [REDACTED] County office, but was advised that his application had already been denied.

Policy states that an applicant is given 5 working days to provide any requested verification. Five working days from April 24, 2015, the date of application, was May 1, 2015. The Appellant provided the required information within the time limit allowed by policy for the approval of Emergency LIEAP benefits.

CONCLUSION OF LAW

Whereas the Appellant provided the requested information within 5 days of the date of his application as required by policy, the Department incorrectly denied his application for Emergency LIEAP benefits.

DECISION

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

ENTERED this 15th day of March 2016

**Kristi Logan
State Hearing Officer**