



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
1027 N. Randolph Ave.  
Elkins, WV 26241

Bill J. Crouch  
Cabinet Secretary

Jolynn Marra  
Interim Inspector General

April 14, 2021



RE: [REDACTED] v. WVDHHR  
ACTION NO.: 21-BOR-1435

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,

Pamela L. Hinzman  
State Hearing Officer  
Member, State Board of Review

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

cc: Misty Cork, WVDHHR

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

██████████,

**Appellant,**

**v.**

**Action Number: 21-BOR-1435**

**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 convened on April 13, 2021, on an appeal filed March 29, 2021.

The matter before the Hearing Officer arises from the March 19, 2021 decision by the Respondent to deny Low Income Energy Assistance Program benefits.

At the hearing, the Respondent appeared by Misty Cork, Economic Services Supervisor, WVDHHR. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Low Income Energy Assistance Program (LIEAP) application received on February 3, 2021
- D-2 Notice requesting verification of propane expense dated February 18, 2021
- D-3 Notice of Decision dated March 19, 2021
- D-4 West Virginia Income Maintenance Manual Chapter 21.3.1.F

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 submitted an application for the Low Income Energy Assistance Program (LIEAP) on February 3, 2021 (D-1).
- 2) The Appellant's primary heating source is propane.
- 3) On February 18, 2021, the Respondent sent a notice requesting verification of the Appellant's propane expense by March 5, 2021. (D-2).
- 4) The Appellant failed to provide verification of his propane expense by March 5, 2021 and his LIEAP application was denied.
- 5) A denial notice was sent to the Appellant on March 19, 2021 (D-3).
- 6) The Appellant contacted a Department worker on March 19, 2021 and was informed that his LIEAP application could still be processed if he provided verification of his propane expense to the Department before 5 p.m. on March 19, 2021 (the deadline to process LIEAP applications in the Respondent's computer system).
- 7) The Appellant provided verification of the propane expense to the DHHR office on the afternoon of March 19, 2021.

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual Chapter 21.3.1.G addresses LIEAP processing time limits and states that action must be taken to approve a regular LIEAP application within 30 days of the date it is received for processing. Verification is due within 15 days of the date additional information is requested.

West Virginia Income Maintenance Manual Chapter 21.4.9.B states that bulk fuel users must submit a signed and dated bill from the bulk fuel vendor which indicates that a delivery was or will be made. When such verification cannot be provided, the client must submit the name, address or telephone number of a vendor who can verify that fuel deliveries have been made in the past or will be made for the current winter season.

The worker must obtain written verification of all other arrangements not referred to above. Statements must be dated and signed.

Otherwise, the decision to verify vulnerability is at the worker's discretion.

## **DISCUSSION**

Policy states that a LIEAP applicant must provide requested verification at the time of application or within 15 days following the date the information is requested. Bulk fuel users must submit a signed and dated bill from the bulk fuel vendor which indicates that a delivery was or will be made. When such verification cannot be provided, the client must submit the name, address or telephone number of a vendor who can verify that fuel deliveries have been made in the past or will be made for the current winter season. The worker must obtain written verification of all other arrangements. Otherwise, the decision to verify the applicant's vulnerability for a heating expense is at the worker's discretion.

The Respondent sent a notice to the Appellant on February 18, 2021 requesting that he return verification of his propane expense to the Department by March 5, 2021. When the information was not received by March 5, 2021, the Respondent's worker extended the LIEAP verification deadline to 5 p.m. March 19, 2021 during a telephone conversation with the Appellant on that date. The Appellant testified that he provided the verification to the Respondent's front desk worker at 3 p.m. on March 19, 2021, but the Respondent's witness contended that the documentation was not received by an income maintenance worker for processing prior to the 5 p.m. deadline. The Appellant denied that he was advised during the March 19, 2021 telephone conversation to speak directly to an income maintenance worker upon providing verification at the Respondent's office. He stated that he provided the requested verification to a front desk worker who assured him that the information would be directed to the appropriate worker. No case comments were provided by the Respondent to document instructions provided to the Appellant during the March 19, 2021 telephone conversation.

As the Appellant provided the requested documentation to the Respondent prior to the 5 p.m. LIEAP processing deadline on March 19, 2021, the Respondent's decision to deny LIEAP benefits cannot be affirmed.

## **CONCLUSIONS OF LAW**

- 1) The Appellant failed to provide documentation of his propane expense to the Respondent within 15 days of the verification request as required by policy.
- 2) Policy provides that the worker can verify LIEAP vulnerability at his/her discretion.
- 3) The Respondent's worker extended the due date for the Appellant's propane expense verification to 5 p.m. on March 19, 2021.
- 4) The Appellant submitted the requested verification to the Respondent's office prior to 5 p.m. on March 19, 2021.
- 5) The Respondent's decision to deny LIEAP benefits based on lack of verification cannot be affirmed.

**DECISION**

It is the decision of the State Hearing Officer to REVERSE the Respondent's action to deny the Appellant's LIEAP application.

**ENTERED this 14th Day of April 2021.**

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**Pamela L. Hinzman  
State Hearing Officer**