



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

**Bill J. Crouch  
Cabinet Secretary**

**BOARD OF REVIEW  
Raleigh County District  
407 Neville Street  
Beckley, WV 25801**

**Jolynn Marra  
Interim Inspector General**

April 13, 2021

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 21-BOR-1416

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,

Kristi Logan  
Certified State Hearing Officer  
Member, State Board of Review

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

cc: Melissa Yost, [REDACTED] County DHHR

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

██████████,

**Appellant,**

**v.**

**Action Number: 21-BOR-1416**

**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 April 8, 2021, on an appeal filed March 24, 2021.

The matter before the Hearing Officer arises from the March 24, 2021, 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 Melissa Yost, Economic Service Supervisor. The Appellant appeared by his mother, ██████████. Both witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

None

**Appellant's Exhibits:**

None

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's mother and representative payee, [REDACTED], applied for Emergency LIEAP benefits on his behalf on March 23, 2021 for electricity.
- 2) The Respondent pended the Appellant's application for verification of his income.
- 3) On March 24, 2021, Ms. [REDACTED] returned to the [REDACTED] County office with verification of the Appellant's income.
- 4) The Respondent confirmed on March 24, 2021 with American Electric Power that the Appellant agreed to a payment plan for the overdue electric bill and was granted an extension regarding termination of his account.
- 5) The Respondent denied the Appellant's application as there was not an existing emergency.

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual §21.3.2 states Emergency LIEAP is the program component which assists clients in eliminating a home heating crisis or emergencies. A crisis is defined as being without home heat or being in danger of not having home heat and not having the resources to resolve the crisis without financial assistance. If the crisis threatens the loss of a utility, a past due bill or termination notice is required to be submitted with the application.

West Virginia Income Maintenance Manual §21.3.2.C.1 states to qualify for Emergency LIEAP, the client must have an emergency home heating need, defined as being without home heating or in immediate danger of being without home heating and being without resources to eliminate the emergency. Clients must be informed that a past due bill, termination notice or a low bulk fuel supply alone does not constitute an emergent need, and that fraudulent claims may result in fines and/or loss of future eligibility for LIEAP.

### **DISCUSSION**

Policy stipulates that to qualify for Emergency LIEAP benefits, the applicant must have a heating crisis or emergency as defined as being without home heating or in immediate danger of being without home heating. The Respondent denied the Appellant's Emergency LIEAP application when it was verified with the Appellant's electricity provider that due to a payment arrangement, the Appellant's account was no longer in termination status.

[REDACTED] testified that the Appellant made payment arrangements without her knowledge after she applied for Emergency LIEAP on his behalf on March 23, 2021. Ms. [REDACTED] contended that she had to return to the local office to complete the application on March 24, at which point the Appellant had been granted an extension on his account by the electric company. Ms. [REDACTED] testified that the Appellant cannot afford the payment plan that he made with the electric company

and that it is unfair that his application was denied due to the extension, which was granted after she made the application.

Policy clearly states that an eligibility requirement of Emergency LIEAP is that the applicant must be in immediate danger of being without home heating. There was no evidence presented that the Appellant's arrangement with the electric company was made subsequent to the Emergency LIEAP application. Regardless of when the payment arrangement was made, the Appellant was given an extension on the termination of his electricity, and therefore was no longer in immediate danger of being without home heating. The Respondent acted in accordance with policy in the denial of the Appellant's application for Emergency LIEAP benefits.

### **CONCLUSIONS OF LAW**

- 1) An applicant must be in immediate danger of being without home heating to qualify for Emergency LIEAP benefits.
- 2) The Appellant was granted an extension for the termination of his electric account by agreeing to a payment arrangement.
- 3) The Appellant no longer had a home heating crisis or emergency.
- 4) The Respondent correctly denied the Appellant's application for Emergency LIEAP benefits.

### **DECISION**

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to deny the Appellant's application for Emergency Low Income Energy Assistance Program benefits.

**ENTERED this 13<sup>th</sup> day of April 2021.**

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**Kristi Logan**  
**Certified State Hearing Officer**