



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
433 MidAtlantic Parkway
Martinsburg, WV 25404
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**Bill J. Crouch
Cabinet Secretary**

**Jolynn Marra
Inspector General**

April 13, 2022

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 22-BOR-1427

Dear [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,

Lori Woodward, J.D.
Certified State Hearing Officer
Member, State Board of Review

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

cc: Peter VanKleeck, BCF, [REDACTED] DHHR

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

██████████,

Appellant,

v.

ACTION NO.: 22-BOR-1427

**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 13, 2022, on an appeal filed March 22, 2022.

The matter before the Hearing Officer arises from the Respondent's December 10, 2021 decision to approve the Appellant's Low Income Energy Assistance Program (LIEAP) benefits.

At the hearing, the Respondent appeared by Peter VanKleeck, Family Support Supervisor. The Appellant appeared *pro se*. The witnesses were placed under oath and the following documents were admitted into evidence:

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Notice of Low Income Energy Assistance Program (LIEAP) approval, dated December 10, 2021
- D-3 Email correspondence between Peter VanKleeck and LIEAP Client Accounts, dated March 23, 2022
- D-4 Email correspondence between Misty Fielder, Peter VanKleeck, and LIEAP Client Accounts, dated March 31, 2022
- D-5 ██████████ Detail, Payment History, and Billing History
- D-6 West Virginia Income Maintenance Manual, Chapter 21, §21.6 *et. seq.*

Appellant's Exhibits:

- A-1 ██████████ bills dated December 9, 2021, January 11, 2022, and March 11, 2022

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 December 10, 2021, the Respondent approved a LIEAP payment of \$420 to [REDACTED] to be applied to the Appellant's electric account. (Exhibit D-2)
- 2) On December 13, 2021, the Appellant's electric account was credited in the amount of \$420. (Exhibit D-5)
- 3) [REDACTED] refunded the amount of \$213.71 to the Respondent sometime after December 13, 2021. (Exhibits D-3 and D-4)
- 4) On April 4, 2022, the amount of \$213.71 was applied to the Appellant's electric account. (Exhibit D-5)

APPLICABLE POLICY

Corrective action must be initiated on all cases in which an error has occurred, regardless of who made the error. (WV IMM, Chapter 21, §21.6)

WV IMM, Chapter 21, §21.6, *Check Returned by the Vendor*, explains that when a check is returned by the vendor, the reason for the check return must be obtained and an effort made to ensure the client receives the benefits to which he is entitled. The check may be rewritten by the Office of Client Accounts as a direct or vendor payment depending upon the client's wishes, provided he is eligible for the payment. This also applies when the vendor has returned only part of the LIEAP payment.

WV IMM, Chapter 21, §21.6.9, *Fair Hearings*, states in part that the client must request a hearing within 60 days of receipt of the notification. The DHHR has 30 days after the hearing request is received to schedule the hearing, arrive at a decision, and initiate appropriate action.

DISCUSSION

On December 10, 2021, the Respondent notified the Appellant that her LIEAP application had been approved and the amount of \$420 was being paid to [REDACTED]. On December 13, 2021, this amount was applied to the Appellant's electric account. However, sometime after the Appellant's LIEAP payment was applied to her account, [REDACTED] refunded the amount of \$213.71 to the Respondent. On March 11, 2022, First Energy presented the Appellant with an outstanding balance on her account on March 11, 2022 for the billing period of December 8, 2021

to March 8, 2022. On March 22, 2022, the Appellant filed an appeal requesting that the refunded amount of \$213.71 be returned to [REDACTED] to be applied to her electric account.

It is apparent that [REDACTED] made an error in refunding to the Appellant's LIEAP payment to the Respondent in the amount of \$213.71. Upon the evidence presented and the Appellant's own testimony, this error has been resolved. The Appellant's refunded LIEAP payment in the amount of \$213.71 was reapplied to the Appellant's electric account as of April 4, 2022.

CONCLUSIONS OF LAW

- 1) LIEAP policy requires that when a check is returned to the Department, an effort must be made to ensure the client receives the benefits to which he is entitled.
- 2) Due to an error from [REDACTED], a portion of the Appellant's approved LIEAP in the amount of \$213.71 was returned to the Respondent.
- 3) On April 4, 2022, the returned LIEAP amount of \$213.71 was reapplied to the Appellant's electric account with [REDACTED].

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's December 10, 2021 decision to approve the Appellant's LIEAP application and reissue the partial returned payment to be applied to the Appellant's electric account.

ENTERED this 13th day of April 2022

Lori Woodward, Certified State Hearing Officer