



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
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Bill J. Crouch
Cabinet Secretary

Jolynn Marra
Inspector General

July 28, 2022

[REDACTED]

Re: [REDACTED] v WV DHHR
ACTION NO.: 22-BOR-1822

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,

Angela D. Signore
State Hearing Officer
Member, State Board of Review

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

cc: Rebecca Skeens, WV DHHR, [REDACTED]

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

[REDACTED]

Appellant,

v.

Action Number: 22-BOR-1822

**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 [REDACTED]. 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 July 21, 2022.

The matter before the Hearing Officer arises from the May 24, 2022 decision by the Respondent to deny the Appellant's application for Low-Income Energy Assistance Program (LIEAP).

At the hearing, the Respondent appeared by Rebecca Skeens, 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 DFA-LIEAP-1 Low Income Energy Assistance Program Application, dated May 12, 2022
- D-2 WV PATH eligibility system printout of Case Comments, dated May 23, 2022
- D-3 Notice of Decision, dated May 24, 2022
- D-4 West Virginia Income Maintenance Manual (WVIMM) § 21.4.6

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) On May 16, 2022, the [REDACTED] DHHR office received an electronic application for Emergency Low-Income Energy Assistance Program (LIEAP) benefits from the Appellant. (Exhibit D-1)
- 2) The Appellant failed to complete a Face-to-Face interview regarding her May 16, 2022 Emergency LIEAP application.
- 3) On May 24, 2022, the Respondent issued a notice advising that due to the Appellant's "failure to cooperate in relieving the emergency for this assistance" her application for LIEAP benefits was denied. (Exhibit D-3)

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WVIMM) § 21.3.2 provides, in part:

Emergency LIEAP is the program component which assists clients in eliminating 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.

If the home heating crisis is the result of a natural disaster, state and/or national public health emergency, then payments may be issued to previously approved households. Under these circumstances, a past due bill, termination notice, or face-to-face interview is not required. If there is an intake period in which an application is required, a past due bill or termination notice may be requested, but face-to-face contact may be waived.

Eligibility requirements are the same as Regular LIEAP, except for the additional requirement of verifying a heating emergency.

WVIMM § 21.3.2.C.1 provides, in part:

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.

WVIMM § 21.4.6 provides, in part:

Emergency LIEAP applications require a face-to-face interview at a DHHR office but may be taken in the home for clients who meet certain requirements.

WVIMM § 21.4.8 provides, in part:

A copy of the heating bill must be attached to the application.

DISCUSSION

The Emergency Low-Income Energy Assistance Program (LIEAP) assists eligible households with the cost of home heating. Policy stipulates that in order to qualify for Emergency LIEAP benefits, the applicant must have a heating crisis or emergency. 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. The eligibility process is the same as regular LIEAP, except for the additional requisite of verifying a heating emergency and the requirement of a face-to-face interview.

On May 24, 2022, the Respondent denied the Appellant's Emergency LIEAP application when the Appellant failed to participate in the required face-to-face interview. The Appellant (██████████) argued that she was in the ██████████ office on May 12, 2022, in order to submit her application for Emergency LIEAP. She further testified that during the May 12, 2022 office visit, she applied for and was approved for Emergency LIEAP for water. She alleged that because she failed to have a notice of termination from the electric company, the Department refused to take her application; however, ██████████ testified that she left an application regardless. It should be noted that an application was not received by the Department until May 16, 2022, electronically.

The Appellant further testified that on May 17, 2022, she received a voicemail from the Department advising that a face-to-face interview was required in order for her Emergency LIEAP application to be considered. She alleged that she again returned to the ██████████ office the following day, May 18, 2022. However, upon her return, she was advised that there was nothing in the system reflecting the May 16 application and May 17 phone call. ██████████ testified that she was informed by the Department that they would review her case, but was advised that her wait time could take "hours." The Appellant affirmed that because of this, she chose to leave the office.

WV IMM section 21.4.6 reads, in part, verification of a home heating crisis/emergency and a face-to-face interview are required in order to be considered for Emergency LIEAP. Testimony provided by the Appellant demonstrated that she was aware of both requirements, and by her own admission, did not participate in the face-to-face interview. Therefore, the Respondent acted in accordance with policy in the denial of the Appellant's application for Emergency LIEAP benefits.

CONCLUSION OF LAW

Because the Appellant failed to complete a face-to-face interview to establish eligibility for

Emergency LIEAP benefits, policy requires her application be denied.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to deny the Appellant's application for the Emergency Low-Income Energy Assistance Program (LIEAP).

ENTERED this 28th day of July 2022.

Angela D. Signore
State Hearing Officer