



STATE OF WEST VIRGINIA
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

Sherri A. Young, DO, MBA, FAAFP
Cabinet Secretary

Ann Vincent-Urling
Interim Inspector General

February 27, 2024

[REDACTED]

RE: [REDACTED] v. WV DEPARTMENT OF HUMAN SERVICES BUREAU
FOR FAMILY ASSISTANCE
ACTION NO.: 24-BOR-1397

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 Human Services. These same laws and regulations are used in all cases to ensure 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: Recourse to Hearing Decision
Form IG-BR-29

cc: Leslie Bonds, [REDACTED] DoHS

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW**

██████████,

Appellant,

v.

Action Number: 24-BOR-1397

**WEST VIRGINIA DEPARTMENT OF HUMAN SERVICES
BUREAU FOR FAMILY ASSISTANCE,**

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 Office of Inspector General Common Chapters Manual. This fair hearing was convened on February 27, 2024, on an appeal filed on February 12, 2024.

The matter before the Hearing Officer arises from the February 7, 2024, decision by the Respondent to deny the Appellant's application for Low Income Energy Assistance Program (LIEAP) benefits.

At the hearing, the Respondent appeared by Leslie Bonds, Economic Services Supervisor. The Appellant represented herself. The witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Request Notification Form
- D-2 Hearing Request received February 12, 2024
- D-3 Notice of Denial dated February 7, 2024
- D-4 LIEAP Outreach Application mailed on January 8, 2024
- D-5 LIEAP Application received on February 5, 2024
- D-6 Envelope of LIEAP Application
- D-7 Handwritten Note from Appellant
- D-8 West Virginia Income Maintenance Manual §21.1
- D-9 Hearing Summary

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 January 8, 2024, the Respondent mailed a LIEAP application to the Appellant based upon her receipt of LIEAP benefits the previous year (Exhibit D-4).
- 2) Included with the LIEAP application was a letter explaining that the application must be submitted by January 26, 2024 (Exhibit D-4).
- 3) The Respondent received the Appellant's completed LIEAP application on February 5, 2024 (Exhibit D-5).
- 4) The Respondent issued a notice to the Appellant on February 7, 2024, advising that her application had been denied as the application was received after the due date (Exhibit D-3).
- 5) The open intake period for LIEAP applications started February 26, 2024.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 21 explains LIEAP eligibility:

21.1 Introduction

The program is time-limited and dependent on the availability of federal funds. It is subject to closure without prior notice when funds are deemed to have been exhausted. Funds are normally disbursed on a first-come, first-served basis, but may also be subject to disbursement based on need.

21.4.1 Mail-Out Applications

The LIEAP mail-out contains an application form (DFA-LIEAP-1), an instruction sheet (DFALIEAP-1a). It is mailed to any household which received LIEAP during the previous LIEAP season. These applications are mailed prior to the program start date. The client may choose to return the completed form and information by mail or complete it online by use of West Virginia WV PATH.

21.4.2 Outreach

Outreach is a federal requirement to ensure that potentially eligible, low-income assistance groups (AGs) are made aware of and encouraged to apply for benefits. Outreach is accomplished as follows:

- DHHR mails applications as described above.
- DHHR provides LIEAP informational leaflets to all appropriate agencies and interested individuals.
- DHHR contracts with Area Agency on Aging (AAA) offices and the West Virginia Office of Economic Opportunity (WVOEO), which permit senior citizen centers, local Community Action Agencies, homeless shelters, and other interested parties to receive LIEAP applications and information and referral services as desired. These are referred to as Sub-Grantee Agencies.
- Information and referral service organizations

21.4.3 Open Application Intake Period

During the annual open application intake period, clients who did not receive a LIEAP mail-out application may apply for LIEAP at their local DHHR office or at any of the outreach locations listed above. The application is also available and may be completed through WV PATH.

DISCUSSION

LIEAP applications are mailed to households who received LIEAP benefits the previous year as part of an outreach program and are mailed prior to the program start date. Applications that are mailed to previous LIEAP recipients must be submitted by the deadline established on the outreach form.

The Appellant was a previous LIEAP recipient and was mailed a LIEAP application on January 8, 2024, to be returned no later than January 26, 2024. The Respondent denied the Appellant's application when the application was received on February 5, 2024, after the outreach program deadline.

The Appellant did not contest that the LIEAP application was submitted untimely. The Appellant testified that the application was placed in her neighbor's mailbox by mistake, which was not given to her until February 2, 2024. The Appellant completed the application and mailed it to the Respondent the day she received it. The Appellant stated she reapplied for LIEAP yesterday.

LIEAP is a time-limited program and is dependent on the availability of federal funds. It is subject to closure without prior notice when funds are deemed to have been exhausted. Applications that were mailed to previous LIEAP recipients were due by January 26, 2024. The Appellant did not submit her application until after the January 26, 2024, deadline.

Whereas the Appellant failed to submit her application before the outreach program deadline of January 26, 2024, the Respondent's decision to deny the Appellant's LIEAP application is affirmed. The Appellant will be evaluated for LIEAP benefits during the open intake application period.

CONCLUSIONS OF LAW

- 1) LIEAP is a time-limited program and is dependent on the availability of federal funds. It is subject to closure without prior notice when funds are deemed to have been exhausted.
- 2) Applications that were mailed to previous LIEAP recipients were due by January 26, 2024.
- 3) The Appellant's application was not received until February 5, 2024.
- 4) The Respondent's denial of the Appellant's LIEAP application was in accordance with policy.
- 5) The Appellant will be evaluated for LIEAP benefits during the open intake application period.

DECISION

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

ENTERED this 27th day of February 2024.

Kristi Logan
Certified State Hearing Officer