



Re: [REDACTED] v WV DoHS
ACTION NO.: 24-BOR-2183, 24-BOR-2184

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 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: Recourse to Hearing Decision
Form IG-BR-29

cc: Rebecca Skeens, WV DoHS, [REDACTED]

BEFORE THE WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

IN THE MATTER OF:

████████████████████,

Appellant,

v.

ACTION NO.: 24-BOR-2183 (LIEAP)
24-BOR-2184 (SNAP)

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 May 22, 2024, on an appeal filed May 06, 2024.

The matter before the Hearing Officer arises regarding the Appellant's application for Replacement Supplemental Nutrition Assistance Program (SNAP) benefits and Emergency Low Income Energy Assistance Program (LIEAP) benefits.

At the hearing, the Respondent appeared by Rebecca Skeens, Department of Human Services (DoHS). The Appellant was represented by his wife, ██████████. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Request for Replacement/Supplement of Food Purchased with SNAP Benefits Form, dated April 29, 2024
- D-2 Electronic Mail (E-mail) Correspondence regarding SNAP replacement extension criteria, dated May 21, 2024

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 or about April 08, 2024, the Appellant mailed a Request for Replacement of Food Purchased with Supplemental Nutrition Assistance Program (SNAP) Benefits application to the Department, requesting the replacement of \$484.00 in SNAP benefits due to the loss of food caused by a reported power outage.
- 2) On or about April 26, 2024, after receiving notice from a friend, the Appellant traveled to the [REDACTED] office to apply for Emergency LIEAP benefits.
- 3) At the time of the Appellant's April 26, 2024 visit to the [REDACTED] office, she inquired about the status of her Replacement SNAP application mailed to the Department on or about April 08, 2024.
- 4) On April 29, 2024, the Appellant visited the [REDACTED] office to complete an in person review.
- 5) During the Appellant's April 29, 2024 visit to the [REDACTED] office, she inquired about the status of her Replacement SNAP application mailed to the Department on or about April 08, 2024.
- 6) The Respondent worker could not locate the Appellant's April 08, 2024 application for Replacement SNAP benefits.
- 7) Under advisement of the Respondent worker, the Appellant submitted a new application for Replacement SNAP benefits on April 29, 2024.
- 8) On May 03, 2024, the Appellant returned to the [REDACTED] office to inquire about the status of both her Emergency LIEAP and Replacement SNAP benefit applications.
- 9) The Respondent worker could not locate the Appellant's April 29, 2024 Emergency LIEAP and/or Replacement SNAP applications at the time of her May 03, 2024 visit.
- 10) Because the Respondent worker could not locate the Appellant's Emergency LIEAP and/or Replacement SNAP applications, the Appellant requested a Fair Hearing on May 03, 2024.
- 11) The Appellant's Replacement SNAP application was date stamped received by the Respondent on April 29, 2024 and scanned into the Department's system on May 06, 2024.
- 12) The Appellant's Replacement SNAP application was still pending as of the date of the hearing.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WVIMM) § 1.2.5 provides, in part:

The policies in this section apply to interviews that are required, as well as interviews requested by the client. WV WORKS, Emergency Low Income Energy Assistance Program (LIEAP), and Emergency Assistance require a face-to-face interview. An interview is required for SNAP but may be completed by phone or face-to-face. Medicaid does not require an interview.

The interview may be completed by the client or authorized representative visiting the office, or by the Worker making a home visit. Whether or not a face-to-face interview is required is found in program-specific sections of this chapter, along with any information that is specific to a particular program.

WVIMM § 20.2.2.A provides, in part:

An applicant who meets the definition of being faced with an emergency need is one who:

- Is faced with an existing or imminent crisis of a nature that threatens the physical health, safety, and well-being of the applicant and his family; and
- Is without available resources with which he can immediately eliminate an existing crisis or prevent an imminent crisis.

When the applicant fails to meet either or both requirements indicated above, the application is denied.

WVIMM § 20.2.3.A provides, in part:

When the Worker does not have sufficient information to make a decision, it is necessary to complete Form DFA-6 or verification checklist to inform the applicant of the additional information needed. All requests for verification must be made using the DFA-6 form and/or verification checklist.

The Worker must clearly state on the form what items must be returned by the applicant, as well as the date by which the information must be returned.

The failure to return information or the return of incomplete or incorrect information that prevents a decision from being made on the application will be considered failure to provide verification and will result in a denial of the application.

WVIMM § 20.2.3.B provides, in part:

The Worker must conduct the intake interview for the purpose of obtaining a thorough knowledge of the applicant's current financial situation, determining if the applicant meets the EA eligibility requirements, and determining the specific item(s) of need for which he is requesting payment.

The time limitations must be explained to the applicant during the intake interview. When the applicant is not currently receiving any type of assistance from the DHHR, the Worker should give particular attention to the possibility of the applicant's eligibility for regular financial assistance, Medicaid, and/or SNAP. The intake process ends when the Worker has gained sufficient information from which he can make a decision on the application.

WVIMM § 20.2.3.E provides, in part:

The Worker must approve or deny the application in the eligibility system. A decision must be made on all applications as soon as possible, if the emergency currently exists, or prior to an imminent emergency but no later than three (3) business days from the date of application.

WVIMM § 20.4.B.2 provides, in part:

Payment may be authorized for clients who are without utility services or who face imminent termination of these services. When a utility service, other than telephone service, has been disconnected, the application for EA must be made within 30 days of the date the service was terminated to meet the emergency need requirement described in Section 20.2.2.A.

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. The open intake period for Emergency LIEAP was April 22, 2024 through April 26, 2024.

The Appellant testified that she made several attempts to submit a Request for Replacement of Food Purchased with SNAP benefits application to the Department electronically, on or about

April 08, 2024, in order to request the replacement of \$484.00 in SNAP benefits due to the loss of food caused by a reported power outage. Due to unknown difficulties, the Appellant reported that she submitted the application to the Department via United States Postal Service, instead. On or about April 26, 2024, after receiving notice from a friend, the Appellant testified to visiting the [REDACTED] office to apply for Emergency LIEAP benefits. The Appellant testified that the Respondent worker took the completed application and termination notice and advised the Appellant that was all the information needed at that time. The Appellant further testified that she then inquired about the status of her Replacement SNAP application that was previously mailed to the Department (on or about April 08, 2024). Because the Appellant's application could not be located by the Respondent worker, the Appellant testified that the worker advised her to submit a new application for Replacement SNAP benefits.

On April 29, 2024, the Appellant provided uncontested testimony that she attended an in-person review. Once completed, the Appellant reported that she again inquired about the status of the Emergency LIEAP and Replacement SNAP applications. She further testified that the Respondent worker advised that they are "backed up, but will get processed." The Appellant further testified that on May 03, 2024, she returned to the [REDACTED] office to inquire about the status of both her Emergency LIEAP and Replacement SNAP benefit applications. Because the Respondent worker again could not locate the Appellant's applications, the Appellant filed a Fair Hearing request. The Respondent testified that when searching throughout the Department's database system, there is no evidence that the Appellant ever submitted an application for Emergency LIEAP. The Respondent reported that there were also no case comments in the system to indicate otherwise. However, she then backtracked and testified that a case comment was entered on May 03, 2024 that documented the Appellant's visit to check on the status of the Replacement SNAP and Emergency LIEAP applications.

However, no case comments were provided to corroborate any of the Respondent's testimony. When reviewing the evidence, the Appellant's testimony regarding the dates she traveled to the [REDACTED] office and submitted applications were largely corroborated by the Respondent's evidence, making the Appellant's argument seem more credible - the Appellant's April 29, 2024 Replacement SNAP application, was date stamped as received by the Respondent on the same date - April 29, 2024. However, it was not scanned into the Department's database until May 06, 2024. The Appellant's Request for a Hearing was signed by the Appellant and scanned into the Department's database on May 03, 2024. However, it was not submitted to the Board of Review until May 10, 2024. The Respondent did not meet its burden to show that it properly processed the Appellant's Replacement SNAP and Emergency LIEAP applications for the reasons offered at the hearing. However, without evidence or testimony to clarify application details, total eligibility cannot be determined. The matter is therefore remanded to the Respondent to accept the Appellant's April 08, 2024 Replacement SNAP application and the April 26, 2024 Emergency LIEAP application.

CONCLUSIONS OF LAW

- 1) The Respondent provided no evidence to dispute the credibility of the Appellant's

testimony.

- 2) Because credible testimony established the Respondent failed to properly process the Appellant's applications at the time of submission, the Respondent must accept the April 08, 2024 Replacement SNAP application and April 26, 2024 Emergency LIEAP application.

DECISION

It is the decision of the State Hearing Officer to **REMAND** the matter to the Respondent to evaluate the Appellant's Replacement SNAP application eligibility to the testified date of April 08, 2024. It is further the decision of the State Hearing Officer to **REMAND** the case to the Respondent for acceptance and evaluation of eligibility of the Appellant's April 26, 2024 application for Emergency LIEAP.

ENTERED this 05th day of June 2024.

Angela D. Signore
State Hearing Officer