



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH
Office of the Inspector General
Board of Review**

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

**Ann Vincent-Urling
Interim Inspector General**

February 26, 2024

[REDACTED]

RE: [REDACTED] S v. WVDohS
ACTION NO.: 24-BOR-1449

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,

Eric L. Phillips
State Hearing Officer
Member, State Board of Review

Encl: Recourse to Hearing Decision
Form IG-BR-29

cc: Ashley Wood, BFA

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

██████████,

Appellant,

v.

Action Number: 24-BOR-1449

**WEST VIRGINIA DEPARTMENT OF
HUMAN SERVICES,**

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 Office of Inspector General's Common Chapters Manual. This fair hearing was convened on February 26, 2024, on an appeal filed February 20, 2024.

The matter before the Hearing Officer arises from the February 8, 2024 decision by the Respondent to deny the Appellant's application for Emergency Assistance benefits.

At the hearing, the Respondent appeared by Ashley Wood, 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 Hearing Request
- D-2 Application for Emergency Assistance dated February 7, 2024
- D-3 Termination Notice dated February 6, 2024
- D-4 Notice of Decision dated February 8, 2024
- D-5 West Virginia Income Maintenance Manual §20.2.3.B
- D-6 Notice of Decision dated May 12, 2023

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 February 7, 2024, the Appellant applied for Emergency Assistance (EA) for electrical assistance. (Exhibit D-2)
- 2) The Appellant's assistance group consists of himself. (Exhibit D-2)
- 3) The Appellant resides at [REDACTED]. (Exhibit D-2)
- 4) The Appellant previously resided at the same residence with [REDACTED] and her two children. (Exhibit D-6)
- 5) The Appellant presented an electrical termination from [REDACTED] in the amount of \$682.01. (Exhibit D-3)
- 6) The [REDACTED] utility bill is in [REDACTED] name.
- 7) A thirty-day amount of payment through EA was \$227.33.
- 8) On May 12, 2023, the Appellant, along with [REDACTED], received an approved EA payment for electrical assistance in the amount of \$161.25. (Exhibit D-6)
- 9) On February 9, 2024, the Respondent issued a Notice of Decision (Exhibit D-4) to the Appellant informing him his application had been denied because he previously received EA benefits.

APPLICABLE POLICY

West Virginia Income Maintenance Manual § 20.2.1 documents:

The Emergency Assistance (EA) program is used to assist individuals and families in meeting a financial crisis when they are without available resources. EA is designed to provide short-term emergency financial assistance with which eligible individuals and families may obtain certain items or services needed to eliminate an emergency or crisis. Those who are in need of and qualify for EA may already be participating in an economic or social service program. Individuals and families who receive EA may also be in need of and be eligible to receive regular ongoing

medical, financial and/or social services from the Department of Health and Human Resources (DHHR). As contained in the provisions under Title IV-A, as established by Section 406(e) of the Social Security Act, federal matching funds are available to assist families with eligible children under the age of 21 who are destitute because they are without immediate resources to meet their needs.

West Virginia Income Maintenance Manual § 20.2.2.A documents in pertinent 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.

West Virginia Income Maintenance Manual § 20.2.2.B documents in pertinent part:

EA can be authorized during one period of 30 consecutive days in any 12 consecutive months. Payments may be made to meet needs which arose before this 30-day period or needs which may extend beyond the 30-day period. The first day of the 30-day period of eligibility begins with the date the first Authorization for Payment (DFA-67) is approved for payment and ends 29 days later. This limitation does not mean that only one item of need may be authorized during one period of 30 consecutive days in any 12 consecutive months. The applicant may request and be found eligible for more than one item of need during that period. However, when the applicant reapplies during the 30-day period of eligibility for an item of need for which he has already received the maximum allowable payment, the application is denied.

West Virginia Income Maintenance Manual § 20.2.3.D documents:

The AG consists of one or more persons who live together. One exception to this is when a person pays for the privilege of living in the household. In this situation, that person and his income are not considered in determining eligibility of the AG. However, the payment made to the AG is counted as income of the AG. AG members receive a communal benefit from the EA payment. This means that everyone in the group benefits from the payment. The AG must include at least one member who has not benefited from an EA payment during the last 12 months to be eligible for payment.

DISCUSSION

The Emergency Assistance (EA) program provides short-term emergency financial assistance to eligible individuals to assist in the elimination of an emergency or crisis. The receipt of EA program benefits is limited to an authorization of one period of 30 consecutive days in any 12 consecutive months. On February 7, 2024, the Appellant applied for and was subsequently denied EA program benefits because he previously received benefits in the last calendar year. The Respondent must prove by a preponderance of the evidence that the Appellant was ineligible to receive additional EA program benefits due to the time limitations of the program.

On May 8, 2023, the Appellant applied for EA program benefits for electrical assistance with [REDACTED], and her two children, at the service address of [REDACTED]. On May 12, 2023, the Respondent approved the initial application in the amount of \$161.25.

On February 7, 2024, the Appellant completed an additional application for EA program benefits seeking financial assistance for an additional electrical termination in the amount of \$682.01 at the same previously approved service address. The Appellant applied for EA program benefits for himself testifying that [REDACTED], along with her two children, had relocated from the service address. The termination notice from [REDACTED] submitted with the additional EA application notes [REDACTED] as the primary account holder at the documented service address.

Policy mandates time limitations to the receipt of EA program benefits to one period of 30 consecutive days in any 12 consecutive months. Additionally, assistance group members receive a communal benefit from an EA payment, meaning that everyone in the group benefits from the payment and are subject to the time limitations for receipt of benefit outlined in policy.

The Appellant received a communal benefit from a May 8, 2023 EA program benefit approval. Because the Appellant was previously approved for EA program benefits, he is subjected to the time limitations of one 30-day benefit in any 12 consecutive months. Therefore, the Appellant is ineligible to receive additional benefits under the EA program until May 7, 2024. Based on the time limitations set forth by policy, the Respondent's decision to deny the Appellant's February 2024 EA application is affirmed.

CONCLUSIONS OF LAW

- 1) The EA program assists individuals in meeting a financial crisis when they are without available resources.
- 2) Payment under the EA program can be authorized during one period of 30 consecutive days in any 12 consecutive months.
- 3) The Appellant received benefits under the EA program on May 8, 2023.
- 4) The Appellant is ineligible to receive benefits under the EA program until May 7, 2024.

- 5) Because the Appellant previously received EA program benefits during the calendar year, he is ineligible to receive additional EA benefits until his time limitation expiration.

DECISION

It is the decision of the State Hearing Officer to uphold the Respondent's decision to deny the Appellant's February 7, 2024 application for Emergency Assistance program benefits.

ENTERED this _____ day of February 2024.

Eric L. Phillips
State Hearing Officer