



**State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
Post Office Box 1736
Romney, WV 26757**

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

August 26, 2005

Dear Mr. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held August 26, 2005. Your hearing request was based on the Department of Health and Human Resources' decision to deny you Emergency Assistance for continued housing beyond a consecutive 30 day period.

In arriving at a decision, the State Hearings 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.

Eligibility for the Emergency Assistance program is based on current policy and regulations. Some of these regulations state as follows: Emergency financial assistance can be authorized once up to the maximum allowable payment for each item of need covered by the emergency assistance program to an eligible recipient for emergency situations during one period of thirty (30) consecutive days in any twelve consecutive months.

The information, which was submitted at your hearing, revealed that Emergency Assistance was provided to you for housing for a full 30 day period and you were evicted by your landlord after the 29th day due to the alleged abuse by you of your privileges while at the home.

It is the decision of the State Hearings Officer to uphold the actions of the Department to deny additional benefits outside of your thirty (30) day period.

Sincerely,

Sharon K. Yoho
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Hubbard, DHHR

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

Claimant,

v. Action Number:

**West Virginia Department of
Health and Human Resources.**

Respondent.

DECISION OF STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on August 26, 2005 for _____. This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened on August 26, 2005 on a timely appeal, filed August 22, 2005.

II. PROGRAM PURPOSE:

The Program entitled Emergency Assistance is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

Emergency Assistance is used to assist individuals and families in meeting a financial crisis when they are without available resources. The program 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.

III. PARTICIPANTS:

_____, claimant
Ann Hubbard, Income Maintenance Worker

Presiding at the Hearing was Sharon K. Yoho, State Hearing Officer and a member of the State Board of Review.

IV. QUESTIONS TO BE DECIDED:

The question(s) to be decided is whether the agency was correct in their denial of additional Emergency Assistance benefits beyond a consecutive thirty (30) day period.

V. APPLICABLE POLICY:

WV Income Maintenance Manual §19.2

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Authorizations for Payment 6/28/05 through 7/18/05
- D-2 Agreement to rent and Authorization for Payment 7/19/05 through 7/27/05
- D-3 Notice of Emergency Assistance approval dated July 21, 2005
- D-4 WV Income Maintenance Manual policy § 19.2

VII. FINDINGS OF FACT:

- 1) Claimant was approved for Emergency Assistance for housing effective June 28, 2005 and received initial benefits for housing to cover June 28, 2005 through June 30, 2005.
- 2) Claimant was then approved additional housing Emergency Assistance for the period of July 1, 2005 through July 18, 2005.
- 3) Mr. _____ again returned to the Department of Human Resources for additional Emergency Assistance to finish out the allowed thirty (30) consecutive day period. He was then approved for period of July 19, 2005 through July 27, 2005.
- 4) Mr. _____ returned to the Department on July 28, 2005 to advise them that his landlady evicted him on July 26 after she found out that he was using phone privileges that had not been provided to him. He was requesting that the benefits paid to this landlady for the last day be used to continue Emergency Assistance benefits to him.
- 5) Mr. _____ testified that he had been offered limited usage of his landlady's portable phone and when she began to refuse to let him use that phone, he brought a phone from his truck in and unhooked a line from one of the phone receptacles in his room so he could plug this phone in for his use. This line was dedicated to his landlady's DSL computer connection and was not for his use. He tried to apologize for his actions but the landlady evicted him regardless.
- 6) The agency denied Mr. _____'s request for the continued benefits based on the thirty (30) consecutive day policy.

- 7) The agency is to pursue reimbursement from the claimant's landlady for unused rent and deposit for one day.
- 8) WV Income Maintenance Manual Policy §19.2 B. 2. states:

Time Limitation:

Emergency financial assistance can be authorized once up to the maximum allowable payment for each item of need covered by the emergency assistance program to an eligible recipient for emergency situations during one period of thirty (30) consecutive days in any twelve consecutive months.

VIII. CONCLUSIONS OF LAW:

- 1) Mr. _____ was approved for thirty (30) days of Emergency Assistance for his emergency need of shelter as provided in policy §19.2 B.2. Policy does not provide for additional benefits beyond this period.

IX. DECISION:

It is the decision of this hearing officer that the Agency was correct to deny the continuation of Emergency Assistance benefits to the claimant beyond the consecutive thirty (30) day period. The eviction was not due to actions of the claimant and not the actions of the agency. The action by the agency to deny benefits is upheld.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 26th Day of August, 2005.

Sharon K. Yoho
State Hearing Officer