

**LEADS**

**Energy**

**Assistance**

**Appeals**

**Process**

07/20/2021

### **E-13.3 Compliance Referrals to Development**

If the client is found to be noncompliant, is ineligible for benefits after the EAP's investigation, or the EAP needs additional assistance determining compliance, create an OCEAN ticket with the attention Compliance. Client cases that are more egregious (i.e. multiple years of noncompliance, clients subject to PIPP drops/penalties, or clients found to be noncompliant) should also be submitted through an OCEAN ticket. Clients who are found to be noncompliant have the right to an appeal, see Section E-14 for appeal process.

### **E-14 Client Appeals Process**

Clients have 30 days from the date they receive their eligibility or benefit notification to appeal decisions made regarding their Energy Assistance Application for HEAP, WCP, SCP, and PIPP. Clients must be informed of this right when they receive their application and again in their notification letter.

Clients may also appeal if their application is not decided upon within 12 weeks. Clients must be informed of this right at the time an application is submitted. Clients may appeal more than once within the same program year.

**Note:** *If a PIPP application is appealed and approved, an appeal must be made on the HEAP application and vice versa. Also, if a processing/user error was discovered after the 30 days of eligibility determination, causing the client to be ineligible or their benefit to be reduced, that must be corrected (see below).*

#### **Grounds for appeal include:**

- Energy Assistance Application was denied;
  - If an application was denied, and it has been at least 30 days since they received their notification of denial and their eligibility situation has changed (i.e. household composition or household income) they can submit an appeal to redetermine the application.
- If the application was neither approved nor denied within 12 weeks after the application was submitted, uploaded in the Portal or received at the EAP, unless such delay was the result of the client's lack of cooperation in providing necessary and reliable documentation with which to determine eligibility;
- Disagreements with the benefit/installment amount (HEAP, WCP, SCP, and PIPP);
- Household composition has changed since the application was submitted;
- Income has changed since the application was submitted;
- Utility provider has changed or is incorrect;
- Multi-program discount was applied to HEAP, but client is not enrolled in PIPP;
- Intake worker error in inputting client information;
- Application is under Compliance Review (if application is under compliance review, refer to section E-13);

- Client is eligible for Regular HEAP due to heat/energy included in rent, bill in landlord's name, etc. **Note:** *please refer to section E-4;*
- If documentation of an income deduction was not submitted with the original application and not deducted (documentation of disability, insurance premiums); or
- If documentation of an excluded income type was not submitted with the original application and income was counted/included, example: Title V wages, etc.

### **Local Level Energy Assistance Programs – Written Appeal**

Clients have 30 days from the date they receive their benefit notification to appeal decisions made regarding their Energy Assistance Application. All appeals must be submitted in writing (letter or email) with supporting documentation attached, to the EAP's HEAP Coordinator.

The appeal review must be completed within 30 days from the date of the client's appeal request. The EAP must notify their Development Community Development Analyst of the final decision and scan all documentation into OCEAN (i.e., the appeal request, supportive documentation, EAP's Resolution/Notification/Actions, etc.). An email must be sent to [heapappeals@development.ohio.gov](mailto:heapappeals@development.ohio.gov) and copy your Development Community Development Analyst on the email. The client must be notified of the decision made by the EAP within 10 days of the decision.

### **Local Level Energy Assistance Programs – Hearing**

Clients who were denied during the Written Appeal process may request a formal hearing within 30 days of the denial of the Written Appeal. The client must submit a request for a formal hearing in writing (letter or email). The request is to be made to the Executive Director of the EAP. The EAP shall schedule a hearing within 30 days of the receipt of the letter/email requesting a hearing. The hearing shall be held at a mutually convenient place and a hearing officer shall be appointed by the EAP. The hearing officer may be a staff member of the EAP who was not involved in the decision that is being appealed.

The client must be notified of the EAP's decision regarding the appeal within 10 days of the date of the formal hearing.

The EAP must also notify their Development Community Development Analyst of the final decision and scan all documentation into the OCEAN database (i.e., the appeal request, supportive documentation, EAP's Resolution/Notification/Actions, etc.).

### **State Level Energy Assistance Programs - Appeal**

If the client wishes to pursue a further appeal, they must submit a written State Level Appeal to Development within 30 days of the final hearing decision rendered at the EAP. The appeal request may be mailed to:

Ohio Development Services Agency  
Office of Community Assistance, Appeals  
P.O. Box 2169  
Columbus, Ohio 43216

or faxed to **(614) 387-2718 Attention: Appeals**

or emailed to [heapappeals@development.ohio.gov](mailto:heapappeals@development.ohio.gov)

Development will only review client appeals which have been denied at both the Local Level EAP Written Appeal and Hearing process and that contain new information, or information not considered during the Local Level EAP Written Appeal or Hearing process. The appeal request must contain all of the following information:

- Client's name, address, telephone number;
- Client number (if available);
- Reason for the appeal;
- Supporting documentation; and
- Client's signature.

A decision on the appeal will be made within 30 days of receipt of the appeal request. The client will be notified within 10 days of Development's decision.

### **Federal Level Energy Assistance Programs - Appeal**

If the client wishes to pursue an appeal of a State Level Appeal determination, they will submit a Federal Level Appeal to the U.S. Department of Health and Human Services/Administration for Children and Families. The appeal request may be mailed to:

U.S. Department of Health and Human Services/Administration for Children and Families  
Office of Community Services/Division of Energy Assistance  
Low Income Home Energy Assistance Program (LIHEAP)  
Mary E. Switzer Building, 5<sup>th</sup> Floor  
330 C Street, SW  
Washington, D.C. 20201

Or fax to **(202) 401-5661**

All appeal decisions made by the U.S. Department of Health and Human Services/Administration for Children and Families are final.

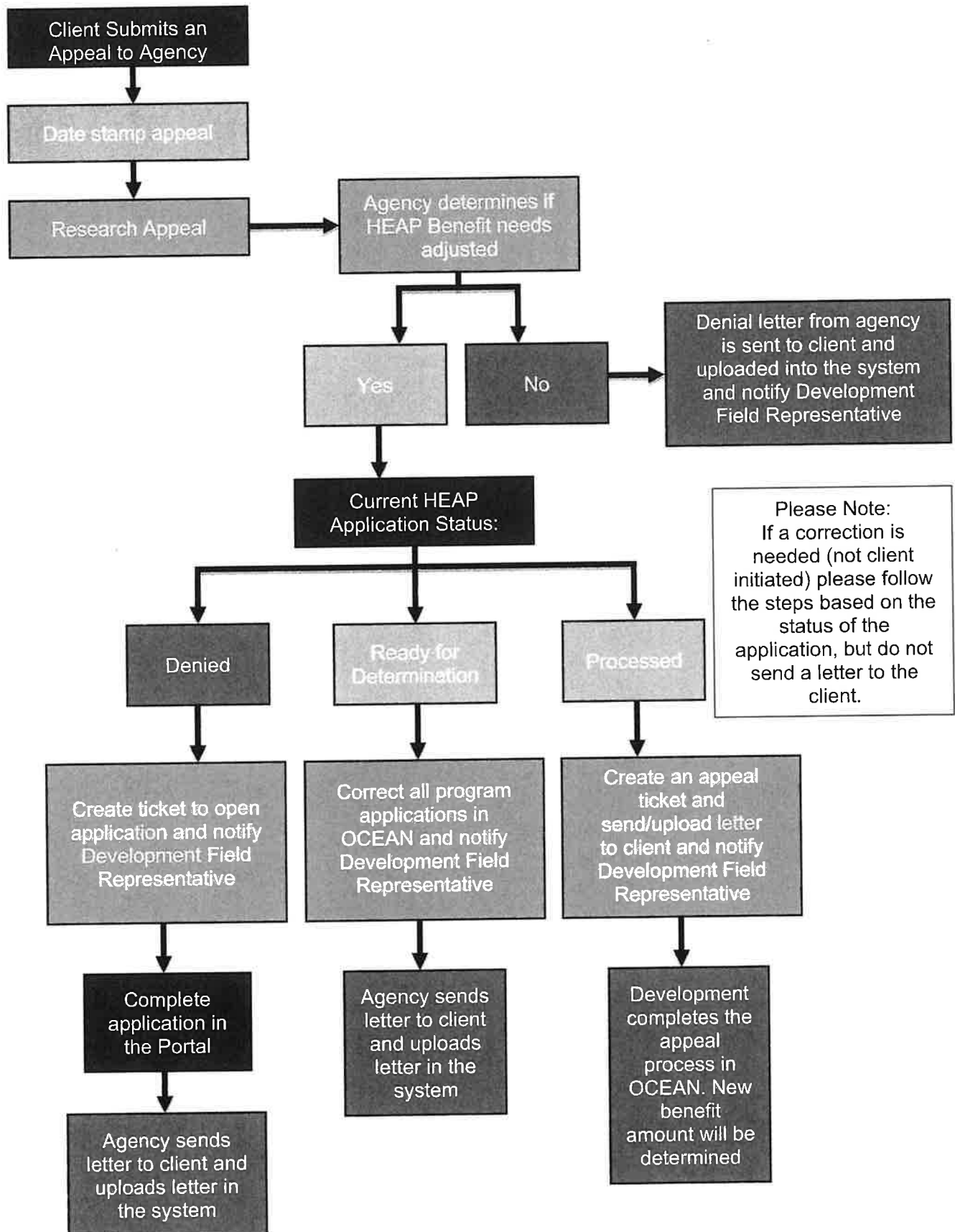
### **Application Corrections:**

If a processing error has been found by either the local EAP or Development, the local EAP must correct the client application. The process for completing a correction in the system (if the application has already been determined and a benefit issued) is listed in Appendix XXI. If the client is determined eligible for a benefit or an additional benefit, the local EAP must notify the client of this correction.

To process a correction in the system, follow the steps in Appendix XXI.

The client should be notified if it was determined they are eligible for an additional benefit – see Appendix XXII.

## Appendix XXI: Appeal Process



## Steps to Processing an Appeal:

Step 1: Date stamp all hard copy (postal mail or hand delivered) written appeals. Appeal requests, including faxed appeals, must be scanned and uploaded to OCEAN.

Step 2: Research the appeal. When an appeal is requested, the entire original application must be reviewed for errors to assure information was correctly entered for the initial determination, including areas not related to the appeal request, such as demographics, citizenship, etc. Make corrections and edits if necessary.

Step 3: Make a determination (Does the HEAP benefit need to be adjusted?)

- If no, send an Appeal Denial Letter to client and notify your Development Field Representative
- If yes, continue to Step 4

Step 4: Locate application status in Portal and/or OCEAN

- If denied, send a help desk ticket to open application and go to Step 5
- If in Ready for Determination status in OCEAN, go to Step 5
- If processed, send a help desk appeal ticket to Development and email a request for Development correction to: [heapappeals@development.ohio.gov](mailto:heapappeals@development.ohio.gov) and copy your Development Community Development Analyst on the request, then go to Step 6

Step 5: Application must be modified and completed by the agency; a correction request should not be submitted to OCA.

Step 6: Send letter to the client, upload in the system, and notify your Development Field Representative.

Step 7: Comments detailing each step of the Appeal must be included with every Appeal (approved and denied) and all supporting documentation must be uploaded to OCEAN.

## Appendix XXII: Appeal Letter

MAILING DATE  
CLIENT NAME  
ADDRESS  
ADDRESS

Please refer to the following number  
when making inquiries  
Client Number: #####

Dear CLIENT NAME:

AGENCY NAME has completed the review of your appeal on DATE. The information provided in your letter <was/was not> enough to change the original decision.

As a result, <changes/no changes> will be made on your status for the 2021-2022 Heating Season.

<Your application has been updated with the supporting documentation; you will receive a Benefit Determination Letter once determinations have been made.>

If you want to receive additional information on your appeal, please contact your AGENCY NAME at ###-###-####.

If you disagree with this decision you may further appeal by following the inserted appeal procedures.

Sincerely,

AGENCY HEAP COORDINATOR