TITLE 476
NEBRASKA LOW INCOME ENERGY ASSISTANCE PROGRAM

CHAPTER 1-000 INTRODUCTION

1-001 Legal Basis: The Nebraska Low Income Energy Assistance Program (LIEAP) was established by Public Law 97-35, The Omnibus Budget Reconciliation Act of 1981, and reauthorized by Public Law 98-558, the Human Services Reauthorization Act. The program is funded on an annual basis with federal funding as authorized by the Low Income Energy Assistance Act of 1981.

1-002 Purpose: The purpose of the Nebraska Low Income Energy Assistance Program is to provide assistance to low-income households to offset the rising costs of home energy. The highest level of assistance must be furnished to those households which have the lowest incomes taking into account family size.

1-003 Administering Agency: The administering agency is the Nebraska Department of ~~Social~~ Health and Human Services.

1-004 Program Time Span: Applications for energy assistance for heating and cooling payments are accepted from the program implementation date, as announced. Applications are taken and processed until one of the following occurs:

1. It is apparent that the pending applications will exhaust the remaining funds. When this occurs, pending applications will be processed and benefits paid according to the earliest date of application, until the funds are totally exhausted; or
2. March 31 of each year for heating applications and August 31 of each year for cooling applications.

Applications for crisis assistance may be made anytime during the year.

1-005 Client Rights: The client has the right to~~—~~:

1. Apply. Anyone who wishes to request and/or apply for assistance must be given the opportunity to do so. No one may be denied the right to apply for LIEAP;
2. Reasonably prompt action on his/her application for assistance (see 476 NAC 2-003);
3. Notice of approval or denial of his/her application (see 476 NAC 5-002.04);
4. Appeal to the ~~NDSS~~ DHHS Director for a hearing on any action or inaction with regard to an application, the amount of the assistance payment, or failure to act with reasonable promptness. The appeal must be filed in writing within 90 days of the action or inaction;

5. Have his/her information treated confidentially. The use or disclosure of information concerning recipients of the energy assistance program must be limited to purposes directly connected to the administration of assistance programs as provided in 45 CFR 205.50;
6. Have his/her civil rights upheld. No person may be subjected to discrimination on the grounds of his/her race, color, national origin, sex, age, handicap, religion, or political belief;
7. Have the program requirements and benefits and his/her rights and responsibilities fully explained;
8. Be assisted in the application process by the person of his/her choice; and
9. Referral to other agencies.

1-006 Prudent Person Principle: When the statements of the applicant are incomplete, unclear, or inconsistent, or when other circumstances in the particular case indicate to a prudent person that further inquiry must be made, the worker shall obtain additional verification before eligibility is determined. The applicant has primary responsibility for providing verification of information relating to eligibility. Verification may be supplied in person, through the mail, or from another source (as an employer). If it would be extremely difficult or impossible for the applicant to furnish verification in a timely manner, the worker shall offer assistance.

1-007 Fair Hearing for Dissatisfied Households

1-007.01 Opportunity for Fair Hearing: Every applicant for energy assistance has the right to appeal for a hearing on any action or inaction of the local office and to have the Director make a decision on the claim (see 465 NAC 2-001.02).

1-007.02 Informal Conference: Clients who are dissatisfied with the determination on their applications may request an informal conference with the local office administrator or a designated representative before requesting a fair hearing. The local office administrator or designated representative shall give a written decision within ten days of the request and send copies of the decision to the claimant and to the Central Office.

1-008 Outreach Services: Nebraska Department of ~~Social~~ Health and Human Services ~~shall~~ must provide outreach services to potential clients. The greatest effort is given to serving persons who are ~~-~~:

1. Elderly;
2. Ill or bedridden;
3. Handicapped;
4. Children age five and younger; and
5. Migrant workers.

Application sites are established throughout the various communities in Nebraska in addition to the local offices. This assures accessibility to the greatest number of applicants and minimizes the travel required by the applicant. Outreach attempts to use familiar neighborhood surroundings to encourage the widest participation.

All types of media coverage must be used to ensure community awareness of the program. Public service announcement spots must be developed for television and radio coverage. Regular press releases are prepared and circulated to inform the public of any program changes, and of the program's availability.

1-008.01 Application Sites: The ~~District Administrators shall contact~~ Department coordinates with the Community Action Agencies and Social Security Offices in ~~regard~~ order to ~~taking~~ take applications in ~~their~~ all areas of the state.

1-008.02 Media Coverage: The Central Office is responsible for statewide press releases and public service announcement spots. The local office is responsible for local press releases and public service announcement spots.

1-008.03 Additional Information: The Central Office ~~shall~~ must:

1. Inform all public assistance clients by including information stuffers with their checks;

2. Furnish ~~pamphlets and posters~~ internet websites for use by the local offices; and
3. Send pamphlets and a letter explaining the program to the following agencies:
   a. Department of Labor;
   b. Department of Energy;
   c. Department of Health;
   d. Department on Aging;
   e. Mental Retardation Offices;
   f. Legal Aid Offices;
   g. Commission for the Hearing Impaired;
   h. Migrant Farmworkers;
   i. Red Cross Offices; and
   j. Green Thumb Agencies.

1-008.04 Local Office Outreach: The local offices ~~shall~~ must report to the Central Office regarding their outreach activities.

1-008.04A Application Sites: The local offices ~~shall~~ must contact the following agencies located in their areas and ask that they provide information regarding the program and take applications:

1. Senior Centers/Sites;
2. Veteran's Offices;
3. Indian Centers;
4. Tribal Centers;
5. League of Human Dignity Offices; and
6. Vocational Rehabilitation Offices.

1-008.04B Media Coverage: The local offices ~~shall~~ must contact and keep the local media informed with press releases and/or public service announcements. (See 476 NAC 1-008)

1-008.04C Additional Information: The local office ~~shall~~must:

1. Contact local organizations including clinics, hospitals, pharmacies, grocery stores, banks, utility companies, Social Security offices, churches, Community Action Agencies, Chambers of Commerce, Visiting Nursing Association, Legal Aid Offices, self-help groups, family planning centers, Big Brother-Big Sister organizations, day care centers, Head Start Centers, Boy Scouts and Girl Scouts organizations, Women, Infants and Children (WIC), unemployment offices, schools, and family counseling centers;
2. Provide in-home outreach when applicable for handicapped and other home-bound clients;
3. ~~Place pamphlets and posters in local organizations throughout the county;~~
~~4.~~3. Give the phone number of the local social services office to utility companies so utility customers may call the local office regarding energy assistance; and
~~5~~4. Provide transportation through Social Services and other local resources.

1-009 Definition of Terms: As used in this title unless the context indicates otherwise, the following definitions will apply.

Application Date - The date a properly signed application is received.

Application Signatures – Applications may be signed in writing or by electronic signature.

Application Submission – Applications may be submitted in person, by mail, by fax or electronic transmission.

Disabled - At the time of application, having a physical or mental impairment which substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having such an impairment.

Economically Vulnerable Household - A household which must pay some part of its energy cost increases from its own resources, either through increases in rent or utility bills.

Elderly - Age 60 or older (for heating assistance purposes).

Energy Crisis Assistance - Assistance required because of weather- related and supply shortage emergencies.

Home Energy - A source of heating or cooling in residential dwellings, including electricity, fuel oil, stove oil, gas, coal, wood, kerosene, propane, or other fuel.

Household - An individual or group of individuals living together as one economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.

Multi-Family Arrangement - A living situation with more than one family. The structure may be divided into separate units (e.g., an apartment or duplex) or may be a single structure with more than one family applying separately.

Non-Public Assistance (non-PA) Household - A household in which not all members are receiving categorical assistance.

Public Assistance (PA) Household - A household in which every member is receiving categorical assistance. This does not include medical assistance with excess income cases or food stamp households.

Priority - Giving certain households special treatment relating to ease of application or access to assistance, or timing of benefits.

Single Family Arrangement: A living situation where an individual or group of individuals are living. To qualify as a single family arrangement, a group of individuals must be living together as one economic unit, customarily purchase residential energy in common, and apply as a single household.

Young Children Household - A household with children age five and younger.

1-010 Incorrect Payments

1-010.01 Underpayments: All underpayments must be corrected.

1-010.02 Overpayments: The agency must take all reasonable steps necessary to promptly correct all ~~client caused~~ overpayments. The worker ~~shall~~ must record in the case record all steps taken to recoup the overpayment.

The worker ~~shall~~ must first send a demand letter, giving the client the choice of reimbursing the total overpayment at once or making monthly payments.

When the evidence clearly establishes that a client willfully withheld information which resulted in an overpayment, the IM worker ~~shall~~ must refer the case to the Special Investigation Unit, Central Office; or in the Omaha Office, to the Omaha Special Investigation Unit. Once a case has been referred to the Special Investigation Unit, the worker ~~shall~~ must take no action with regard to the prosecution of the suspected fraud except in accordance with instructions or approval by the Special Investigation Unit. However, the worker must complete normal case actions.

If an overpayment is not recouped by the Special Investigation Unit, the local office ~~shall~~ must keep a listing of cases with overpayments. The overpayment must be deducted from any future LIEAP benefits.

~~1-010.02A Agency-Caused Overpayments: Agency-caused overpayments are not recouped. The worker shall note in the case record that an overpayment occurred but was waived because it was agency caused.~~

~~If an overpayment occurs as the result of both an agency and client error, the overpayment must be recouped. For example, if the worker guarantees payment to the provider but neglects to put the FID on the payment line so the payment goes to the client who keeps the money, the worker shall recoup the overpayment.~~

1-010.0~~3~~2 Monitoring Payments: The supervisor ~~shall~~ must monitor the accuracy of determinations and report common errors to Public Assistance ~~and Food Programs~~, Central Office.

1-011 Case Records: The ~~following~~ forms ~~are~~ used in LIEAP are found at 476-000-303. Instructions for and examples of these forms are in the Public Assistance Forms Manual.

~~Form Number~~	~~Form Title~~	~~PAF Reference~~
~~ASD-17~~	~~Question Referral Form~~	~~1-2~~
~~ASD-63~~	~~Referral for Investigation~~	~~1-8~~
~~DA-100~~	~~Application for Assistance~~	~~4-5~~
~~DA-100A~~	~~Supplement to the Application for Assistance~~	~~4-6~~
~~FA-29~~	~~Warrant Information Request~~	~~6-2~~

~~Form Number~~	~~Form Title~~	~~PAF Reference~~
~~FA-62~~	~~Maintenance Assistance Cancellation/Refund Transmittal~~	~~6-3~~
~~IM-7~~	~~Income Computation Worksheet~~	~~9-11~~
~~IM-8~~	~~Notice of Finding~~	~~9-12~~
~~IM-12~~	~~NLIEAP Refunds/Cancellations~~	~~9-16~~
~~IM-29~~	~~Nebraska Low Income Energy Assistance Program Application~~	~~9-34~~
~~IM-29B~~	~~Cooling Assistance Request~~	~~9-35~~
~~IM-52~~	~~Nebraska LIEAP Provider Certification~~	~~9-40~~
~~IM-55~~	~~Medical Request for Cooling~~	~~9-43~~

Case records must be retained for three years from the date of application and are subject to state and federal audit.