

5.4 PENALTY FOR FAILURE TO APPLY FOR OR RETAIN BENEFITS WITHOUT GOOD CAUSE

The penalties apply only when development and retention are a condition of eligibility. See Section 5.2.

The penalty imposed depends upon the source of the potential resource and who fails to meet the requirement, as follows.

NOTE: For WV WORKS benefits, a client who fails, without good cause, to develop and retain potential resources as identified in the PRC, has failed to adhere to the terms of his PRC. The penalties below are not applied to WV WORKS benefits, but they are applied to the Food Stamp and/or Medicaid portions of the case. For WV WORKS benefits, a sanction, as found in Chapter 13, is imposed when good cause does not exist for the failure. Failure to apply for or accept potential resources that are not specified on the PRC does not result in a sanction or penalty of any kind for the WV WORKS benefits, but may result in a Food Stamp or Medicaid penalty.

A. ENROLLMENT IN MEDICARE, PART A (Medicaid Only)

If the Medicaid client fails to enroll in Medicare, Part A, after referral, he is removed from the benefit group, unless good cause is established. If he is the only member of the benefit group, the case is closed or the application denied.

The individual is ineligible until he enrolls.

B. CHILD SUPPORT (TANF and AFDC-Related Medicaid)

See Chapter 15.

C. OTHER BENEFITS (TANF and Medicaid)

If an individual fails, without good cause, to take the necessary steps to develop a resource to which he is referred and which, if he were found eligible, would result in additional income, the penalty is as follows:

1. SSI-Related Medicaid

The case is closed or the application denied, even when the benefit group consists of an eligible couple.

2. TANF and AFDC/U-Related Medicaid

If the individual who did not comply is a parent of the dependent children, the application is denied or the case closed.

If the individual is a caretaker relative, other than a parent, he is excluded from the benefit group.

The benefit group or individual remains ineligible until corrective action is taken.