



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
150 Maplewood Avenue
Lewisburg, WV 24901

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

February 3, 2006

Dear Mr. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held February 3, 2006. Your hearing request was based on the Department of Health and Human Resources' action to your application for emergency assistance.

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 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: No one who has benefited from an Emergency Assistance Payment during the time limitation period may be included in the benefit group for individual assistance nor in determining eligibility for the entire benefit group. For example, an individual was a member of a benefit group that received an Emergency Assistance Payment. Six months later, this person is a member of a second household (or second benefit group). The head of the household has applied for pharmacy assistance for this person. The application must be denied. (Section 19.2D #3 of the West Virginia Income Maintenance Manual.

The information which was submitted at your hearing revealed that you made an application for emergency assistance 01/19/06 for prescriptions. Three members of the benefit group had received emergency assistance in August 2005.

It is the decision of the State Hearing Officer to uphold the action of the Department to deny your application for emergency assistance.

Sincerely,

Margaret M. Mann
State Hearing Officer
Member, State Board of Review

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

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

_____,

Claimant,

v. Action Number: 06-BOR-984

**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 February 3, 2006 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 February 3, 2006 on a timely appeal, filed February 19, 2006. The State Hearing Officer was notified of the request January 31, 2006.

It should be noted here that the claimant's benefits have been denied.

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 Financial 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 items or services needed to eliminate an emergency or crisis. Those who are in need of and qualify for emergency financial assistance may already be participating in an economic or social service program.

III. PARTICIPANTS:

_____, Claimant
Murriel Hylton, Department Hearing Representative

Presiding at the Hearing was Margaret M. Mann, State Hearing Officer and a member of the State Board of Review.

It should be noted that this hearing was held by conference call.

IV. QUESTIONS TO BE DECIDED:

The question(s) to be decided is whether the Department was correct in the decision to deny the claimant's application for emergency assistance because another benefit group member has benefited from an Emergency Assistance Payment during the time limitation period.

V. APPLICABLE POLICY:

Section 19.2 of the West Virginia Income Maintenance Manual

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Form IG-BR-29 Hearing/Grievance Record Information
- D-2 Notification letters dated 01/31/06 and 02/01/06
- D-3 Portions of Chapter 19.2 of the West Virginia Income Maintenance Manual
- D-4 Department's Summary

VII. FINDINGS OF FACT:

- 1) The claimant applied for Emergency Assistance for prescriptions on 01/19/06.
- 2) The claimant reported that 3 relatives had moved into their home. They had received Emergency Assistance in August 2005. The household consists of the claimant, his parents, and three (3) other relatives for a total of six (6) people. The worker informed the claimant that the household would not be eligible for Emergency Assistance again until August 2006. The claimant requested a hearing on this issue.
- 3) A letter was sent to the claimant dated 01/31/06 informing him his application for Emergency Assistance for prescriptions had been denied. Reason: A member of your household received Emergency Assistance payment in the past year. Emergency Financial Assistance can be authorized during one period of 30 days in any 12 consecutive months. (D-2)
- 4) Testimony from the claimant confirmed that the household composition as listed in #2 above was correct.

- 5) Section 19.2D #3 of the West Virginia Income Maintenance Manual reads in part that the benefit group will consist of one or more persons who are living together. Benefit group members will always receive a communal benefit from the Emergency Assistance Payment. This simply means that everyone in the group benefits from the payment even when the payment is made for such items as pharmacy or medical treatment for individual assistance. No one who has benefited from an Emergency Assistance Payment during the time limitation period may be included in the benefit group for individual assistance nor in determining eligibility for the entire benefit group. For example, an individual was a member of a benefit group that received an Emergency Assistance Payment. Six months later, this person is a member of a second household (or second benefit group). The head of the household has applied for pharmacy assistance for this person. The application must be denied.
- 6) Section 19.2B #2 of the West Virginia Income Maintenance Manual reads in part that 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) Policy is clear in that everyone in the benefit group benefits from the payment even when the payment is made for such items as pharmacy or medical treatment for individual assistance. No one who has benefited from an Emergency Assistance Payment during the time limitation period may be included in the benefit group for individual assistance nor in determining eligibility for the entire benefit group.
- 2) The application for Emergency Assistance was made for prescriptions on 01/19/06.
- 3) Three members of the benefit group had received Emergency Assistance in August 2005.

IX. DECISION:

It is the finding of the State Hearing Officer that the Department is upheld in the decision to deny the claimant's application for Emergency Assistance on 01/19/06.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 3rd Day of February, 2006.

**Margaret M. Mann
State Hearing Officer**