



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL

Earl Ray Tomblin
Governor

BOARD OF REVIEW
P.O. Box 1247
Martinsburg, WV 25402

Karen L. Bowling
Cabinet Secretary

October 28, 2015

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 15-BOR-3162

Dear [REDACTED]:

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

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.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Lori Woodward
State Hearing Officer
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision
Form IG-BR-29

cc: Peter VanKleek, WV DHHR

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

██████████,

Appellant,

v.

Action Number: 15-BOR-3162

**WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing convened on October 27, 2015, on appeal filed September 29, 2015.

The matter before the Hearing Officer arises from the September 18, 2015, closure of Appellant's Adult Medicaid benefits.

At the hearing, the Respondent appeared by Peter VanKleeck, Economic Services Supervisor. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Summary
- D-2 MREV form sent to Appellant August 17, 2015
- D-3 CMC1 notice of closure, dated September 18, 2015
- D-4 WV Income Maintenance Manual §1.2 (excerpt)

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) Appellant was a recipient of West Virginia Adult Medicaid.
- 2) Review forms were sent to the Appellant on August 17, 2015, notifying him that he needed to undergo a redetermination of Adult Medicaid eligibility and to return the completed forms by September 1, 2015. (Exhibit D-2).
- 3) The Appellant failed to return his eligibility review forms.
- 4) On September 18, 2015, the Respondent sent the Appellant notification that his Medicaid benefits were ending by the end of September, 2015. (Exhibit D-3).

APPLICABLE POLICY

West Virginia Income Maintenance Manual (IMM) §1.2.B.2, explains that periodic reviews of total eligibility for recipients are mandated by law and take place at specific intervals. The redetermination process involves basically the same activities as the application process. The application may be held, pending receipt of necessary information or verification, but there are processing time limits which must be met. Failure by the client to complete a redetermination usually results in ineligibility.

DISCUSSION

In order to continue receiving Adult Medicaid benefits, the Appellant needed to return his review form by September 1, 2015. He did not dispute the fact that he failed to return his review form, stating that he was unfamiliar with West Virginia Medicaid requirements. The Department was correct to close the Appellant's Adult Medicaid benefits.

CONCLUSION OF LAW

Per policy, the Department must find the Appellant ineligible due to his failure to complete a timely redetermination of his Adult Medicaid benefits, and thus, terminate his Medicaid benefits.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Department's proposal to terminate the Appellant's Adult Medicaid benefits.

ENTERED this 28th day of October, 2015.

Lori Woodward, State Hearing Officer