



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
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January 31, 2018

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-3057

Dear Mr. [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,

Stephen M. Baisden
State Hearing Officer
Member, State Board of Review

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

cc: Amy Workman, WV DHHR, [REDACTED] County Office

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

████████████████████,

Appellant,

v.

ACTION NO.: 17-BOR-3057

**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' (WV DHHR) Common Chapters Manual. This fair hearing was convened on January 30, 2018, on an appeal filed December 27, 2017.

The matter before the Hearing Officer arises from the Respondent's termination of the Appellant's eligibility for Adult Medicaid (MGAD).

At the hearing, the Respondent appeared by Representative Amy Workman, Economic Service Worker for the WV DHHR, ██████████ County Office. The Appellant appeared *pro se*. Both participants were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Letter from Department to Appellant, dated December 19, 2017
- D-2 Fair Hearing referral sent to the WV Board of Review on December 28, 2017
- D-3 Form IG-BR-29, Fair Hearing Request Notification
- D-4 Mail-in Medicaid Review form, mailed to Appellant on November 13, 2017
- D-5 Income Maintenance Manual, Chapter 1, §1.2.B.2

Appellant's Exhibits:

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence, 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) The Appellant was a recipient of Adult Medicaid (MGAD). On November 13, 2017, the Department sent to the Appellant a yearly benefit review form (Exhibit D-4).
- 2) The Appellant did not return the review form as of December 19, 2017.
- 3) On December 19, 2017, the Department sent the Appellant a letter (Exhibit D-1) indicating his Medicaid benefits were closing effective January 1, 2018, due to failure to complete a benefit review.
- 4) On December 27, 2017, the Appellant requested a fair hearing to protest the closure of his eligibility for Adult Medicaid (MGAD).

APPLICABLE POLICY

The WV DHHR Income Maintenance Manual (IMM) Chapter 1, §1.2.B.2 reads as follows in part:

Periodic reviews of total eligibility for recipients are mandated by law. These are redeterminations and take place at specific intervals, depending on the program or coverage group. Failure by the client to complete a redetermination usually results in ineligibility. If the client completes the redetermination process by the specified program deadlines and remains eligible, benefits must be uninterrupted and received at approximately the same time.

The WV IMM Chapter 1, §1.8.6 states that Adult Medicaid (MGAD) redeterminations normally are redetermined annually.

DISCUSSION

The Department's representative testified that the Department mailed an MGAD yearly benefit review letter to the Appellant on November 13, 2017 (Exhibit D-4). She testified that the Department did not receive a completed review form by December 19, 2017, so the Department sent the Appellant a closure letter (Exhibit D-1) on that date. She testified that the Appellant requested a fair hearing based on the closure on December 27, 2017 (Exhibit D-3). She stated that on his hearing request form, the Appellant requested that his benefits remain open until a fair hearing decision could be reached.

The Department's representative testified that she attempted to conduct a pre-hearing conference with the Appellant, but could not reach him by telephone. However, she stated, she did contact him on January 19, 2018. She testified he reported a new mailing address, and he speculated that the review form had gone to his previous address. She testified that she mailed him another review form to his new address.

The Appellant testified that he had received his review form and completed it, and he expected the Department would receive it shortly. The Department's representative confirmed that it had arrived at the WV DHHR, ██████ County office, on the hearing date. She testified that since she had not entered the review information, she could not confirm that the Appellant's MGAD Medicaid would continue. However, she stated, she would process the review as soon as possible and inform the Appellant as to the results of his redetermination of eligibility. She added that because the Appellant had requested his MGAD benefits continue until a fair hearing decision could be reached, his eligibility for MGAD had not been interrupted.

The Department acted correctly to close the Appellant's MGAD Medicaid because he had not submitted an eligibility review form.

CONCLUSION OF LAW

The Department acted correctly to discontinue the Appellant's eligibility for MGAD Medicaid because he had not submitted a review form, pursuant to WV DHHR IMM Chapter 1, §§1.2.B.2 and 1.8.6.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Department's decision to discontinue the Appellant's eligibility for Adult Medicaid (MGAD).

ENTERED this 31st Day of January 2018.

Stephen M. Baisden
State Hearing Officer