

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES

BOARD OF REVIEW

IN RE: ,
 Claimant

vs.

Action # 08-BOR-1745 FS
1746 Med
1747 WVW

West Virginia Department of Health and Human Resources,
Respondents

ORDER OF DISMISSAL

On July 14, 2008, Respondents received a Request for Hearing from Claimant over the Department's denial of Medicaid for adults in her home, delay in providing Food Stamps, and requirement of Claimant to participate in a work activity for the WV Works Cash Assistance program.

The Claimant's eligibility for benefits ended in June 2008, and she reapplied on June 26, 2008. The Department pended her case for proof of new employment and income verification based on information she provided during the application interview. The Claimant has not provided the verification requested by the Department and the case is currently still "pending".

On July 18, 2008, the Hearing Officer contacted the Claimant to clarify the issues for her hearing and was informed that the issue involving the Department's delay in providing Food Stamps has been resolved. The Claimant requested to withdraw that particular issue from her hearing request. She continued to express that she wanted a hearing because the Department was requiring her to "work" for her WV Works Cash Assistance benefits, and because the adults in her household were denied Medicaid.

West Virginia Common Chapters Manual Section 710.16 states in pertinent part:

D. Notice of Right to a Fair Hearing

1. An individual shall be notified in writing, at the time of notification of adverse action, of his or her right to a fair hearing.
2. Once a fair hearing request is received by the office or bureau that issued the adverse action, that office or bureau shall notify the appropriate Hearing Officer of the hearing request.

The Department has not taken adverse action against this Claimant, and has therefore not issued a negative action notification letter.

Whereas the Claimant's application is currently "pending" with no final determination by the Department having been issued, no adverse action has occurred. I find no grounds for a hearing at this time.

It is hereby ORDERED that Claimant's request for hearing on the issues of denial of adult Medicaid and requirement of work activity participation for WV Works Cash Assistance is DISMISSED. The Claimant WITHDREW her request for hearing on the issue of the Department's delay in providing Food Stamps.

RIGHT OF APPEAL:

See Attachment.

ATTACHMENTS:

The Claimant's Recourse.

Form IG-BR-29.

Entered this 22nd day of July, 2008

Cheryl Henson
State Hearing Officer