



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
203 East Third Avenue
Williamson, WV 25661

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

September 23, 2015



RE: [REDACTED] v. WV DHHR
ACTION NOS.: 15-BOR-2827 (Medicaid)
15-BOR-2828 (SNAP)
15-BOR-2829 (WV WORKS)

Dear Ms. [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: Cynthia Spencer, Family Support Specialist

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

██████████,

Appellant,

v.

ACTION NOs.: 15-BOR-2827 (Medicaid)

15-BOR-2828 (SNAP)

15-BOR-2829 (WV WORKS)

**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 September 22, 2015, on an appeal filed August 13, 2015.

The matter before the Hearing Officer arises from the August 6, 2015 decision by the Respondent to deny the Appellant's application for Qualified Child Medicaid (MQCA), Supplemental Nutritional Assistance Program (SNAP) benefits and WV WORKS cash assistance for the months of July and August 2015.

At the hearing, the Respondent appeared by Representative Cynthia Spencer, Family Support Specialist at the WV DHHR, ██████████ County Office. The Appellant appeared *pro se*. Appearing as a witness for the Appellant was ██████████, her husband. All participants were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 CMCC Screen print from Appellant's RAPIDS case showing Family Support Specialist case comments made from July 30 to August 21, 2015
- D-2 Letter from Department to Appellant dated August 6, 2015 – SNAP approval for August 2015 in the amount of two dollars (\$2)
- D-3 Letter from Department to Appellant dated August 6, 2015 – Medicaid denial for August 2015 for the Appellant's great-grandchildren
- D-4 Letter from Department to Appellant dated August 6, 2015 – WV WORKS denial for August 2015 for the Appellant's great-grandchildren

- D-5 SNAP hearing request dated August 13, 2015
- D-6 Medicaid denial hearing request dated August 13, 2015
- D-7 WV WORKS denial hearing request dated August 13, 2015
- D-8 WV DHHR Income Maintenance Manual (IMM), Chapter 8, §8.5
- D-9 WV DHHR IMM, Chapter 8, §8.6
- D-10 IG-BR-29 Hearing/Grievance Request Notification, dated August 13, 2015

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) On July 24, 2015, the Appellant and her husband took custody of her three great-grandchildren. On July 30, 2015, she applied for Medicaid, SNAP and WV WORKS cash assistance on behalf of the children, at the WV Department of Health and Human Resources (DHHR), [REDACTED] County office (Exhibit D-1).
- 2) The Family Support Specialist who processed the Appellant's application determined that the children received Medicaid and WV WORKS in another case for July 2015. Because July 30 was after the adverse-action deadline date for August 2015, the worker could not prevent the children from receiving these benefits in the other case for that month. The adverse-action deadline date for August 2015 was July 16, 2015.
- 3) The Department sent to the Appellant letters indicating her application for Medicaid and WV WORKS was denied for July and August 2015 (Exhibits D-3 and D-4). The Appellant's household was approved for SNAP in the amount of two dollars (\$2) for August 2015 (Exhibit D-2).
- 4) The Appellant requested fair hearings to protest these denials on August 13, 2015 (Exhibits D-5, D-6 and D-7).

APPLICABLE POLICY

WV Income Maintenance Manual (IMM), Chapter 8, §8.5 reads as follows:

The following general rules apply to the receipt of other Income Maintenance benefits:

A. SNAP BENEFITS

No person may receive SNAP benefits in more than one AG for the same month.

B. MEDICAID

No person can receive Medicaid coverage in more than one AG concurrently, unless he or she receives coverage in one AG and is payee only for another.

C. WV WORKS

No person may be included in more than one WV WORKS AG for the same month. An SSI recipient who is included in a WV WORKS AG may receive Medicaid in a separate case.

WV IMM, Chapter 8, §8.6 reads as follows in part:

A client may not receive SNAP benefits, WV WORKS or Medicaid concurrently in more than one county in West Virginia or more than one state. In addition, he may not receive different types of benefits in more than one county or state at the same time . . .

DISCUSSION

The Appellant requested a fair hearing to address the denial of Medicaid, SNAP and WV WORKS cash assistance. The Appellant was approved for SNAP, albeit for a low amount, \$2 per month. The Appellant did not raise the issue of benefit amounts or provide documentation to dispute the SNAP monthly allotment amount.

The Appellant testified that she took custody of her great-grandchildren as the result of a court hearing on July 24, 2015, and that she applied for benefits on their behalf on July 30, 2015. Both of these dates were after the adverse-action deadline date for August 2015. The adverse-action deadline date is the last day of the month in which an action or change resulting in the reduction or termination of benefits may be entered in order for the change to take effect in the following month. Because the Appellant reported to the Department that the children were in her home after the adverse-action deadline date for the month of August 2015, they could not have been removed from their previous case until September 2015.

Since the Appellant's great-grandchildren received benefits in another case in July and August 2015, the Department was correct to deny the Appellant's application for Medicaid and WV WORKS for those months. Testimony from the Department's representative indicates the Appellant began receiving Medicaid and WV WORKS for the great-grandchildren in September 2015, and she has been receiving SNAP since July 2015.

CONCLUSION OF LAW

The Department acted correctly to deny the Appellant's application for Medicaid and WV WORKS for her great-grandchildren for the months of July and August, 2015, pursuant to WV IMM Chapter 8, §§8.5 and 8.6. The Department did not deny the Appellant's application for SNAP.

DECISION

It is the decision of the state Hearing Officer to **uphold** the Department's decision to deny the Appellant's application for Medicaid and WV WORKS benefits on behalf of her great-grandchildren for July 2015 and August 2015. The household was approved for SNAP benefits for those months.

ENTERED this 23rd Day of September 2015.

**Stephen M. Baisden
State Hearing Officer**