



**State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
4190 Washington Street, West  
Charleston, WV 25313**

**Joe Manchin III  
Governor**

**Martha Yeager Walker  
Secretary**

June 21, 2005

Dear \_\_\_\_\_:

Attached is a copy of the findings of fact and conclusions of law on your hearing held May 10, 2005. Your hearing request was based on the Department of Health and Human Resources' to close your Food Stamp and Medicaid cases.

In arriving at a decision, the State Hearings 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 Food Stamp and Medicaid Programs are based on current policy and regulations. Some of these regulations state as follows:

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 keep an appointment for a redetermination usually results in ineligibility. If the client keeps his appointment and continues to be eligible, benefits must be uninterrupted and received at approximately the same time.

The redetermination process involves basically the same activities described in item 1 above. Data system changes and client notification of any changes resulting from the redetermination conclude the process. (WV INCOME MAINTENANCE MANUAL CHAPTER 1 Application/Redetermination Process B (2) OVERVIEW OF THE ELIGIBILITY DETERMINATION PROCESS).

The information which was submitted at your hearing revealed: You did not attend a scheduled appointment to reopen your benefits.

It is the decision of the State Hearings Officer to uphold the action of the Agency to close your Food Stamp and Medicaid Benefits.

Sincerely,

Ray B. Woods Jr., MLS  
State Hearings Officer  
Member, State Board of Review

Cc: Erika H. Young, Chairman, Board of Review  
Carol Halstead, Supervisor

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

\_\_\_\_\_,  
**Claimant,**

**v.**

**Action Number: 05-BOR-5445**

**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 June 21, 2005 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 May 10, 2005 on a timely appeal filed April 12, 2005.

It should be noted here that the claimant's benefits were closed prior to the scheduled fair hearing. A pre-hearing conference could not resolve the issues between the parties and, \_\_\_\_\_ did not have legal representation. All parties took an oath to provide truthful information.

**II. PROGRAM PURPOSE:**

The Program entitled Food Stamps and Medicaid are set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

The purpose of the Food Stamp Program is to provide an effective means of utilizing the nation's abundance of food "to safeguard the health and well-being of the nation's population and raise levels of nutrition among low-income households". This is accomplished through the issuance of food coupons to households who meet the eligibility criteria established by the Food and Nutrition Service of the U.S. Department of Agriculture.

The Medical Assistance Only categorically related Aid to Families With Dependent Children is designed to provide medical assistance to eligible families from the fetal stage to age 18. These dependent children must be deprived of parental support due to the death, continued absence, incapacity of the parents, or unemployment of the parents. In addition, the family must meet financial eligibility.

### **III. PARTICIPANTS:**

\_\_\_\_\_, Claimant  
Donnie Harris, Back-Up Supervisor

Presiding at the Hearing was Ray B. Woods, Jr., M. L. S., State Hearing Officer and a member of the State Board of Review.

### **IV. QUESTIONS TO BE DECIDED:**

The question(s) to be decided is whether the Department was correct to close Ms. \_\_\_\_\_'s Food Stamp and Medicaid cases?

### **V. APPLICABLE POLICY:**

WV Income Maintenance Manual Chapter 1 Application/Redetermination Process B (2)  
Overview of the Eligibility Determination Process.

### **VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:**

#### **Department's Exhibits:**

- D-1 Appointment Letter dated 12/21/04 for 01/20/05 @ 11:00 a. m.
- D-2 Closure Letter dated 01/19/05 for Food Stamps and Medicaid Benefits
- D-3 WVIMM Chapter 1.2 B (2) Overview of the Eligibility Determination Process
- D-4 Scheduling Notice dated 04/12/05
- D-5 GroupWise Message re: Change in Fair Hearing Time
- D-6 Case Comments 11/30/04 – 04/11/05

#### **Claimants' Exhibits:**

None

### **VII. FINDINGS OF FACT:**

- 1) Ms. \_\_\_\_\_ was an active Food Stamp and Medicaid recipient who was required to attend a scheduled review. An appointment was issued on December 21, 2004 for a scheduled appointment at the Department on January 20, 2005 at 11:00 a. m.
- 2) Ms. \_\_\_\_\_ did not attend the scheduled appointment. On January 19, 2005, a Closure Letter was issued to Ms. \_\_\_\_\_. The letter stated in part, "Your Food Stamps and AFDC Medicaid are being closed. You will receive your last benefit(s) in January 2005. The reason: Deanna \_\_\_\_\_ did not complete an Eligibility Review on the date scheduled. If you do complete a review, your benefits may be reopened, but they may be delayed."

- 3) According to Mr. Donnie Harris, Ms. Carol Halstead, Economic Services Supervisor, spoke with Ms. \_\_\_\_\_ on the telephone. Ms. \_\_\_\_\_ stated that she did not receive the letters and requested a fair hearing. An appointment was scheduled for April 14, 2005 to complete the review and reopen the Food Stamp and Medicaid cases. Ms. \_\_\_\_\_ did not attend the scheduled appointment. At this point, the "Hearsay Rule" was explained to Ms. \_\_\_\_\_, since Ms. Halstead did not attend the Fair Hearing. Ms. \_\_\_\_\_ confirmed the telephone conversation.
- 4) Ms. \_\_\_\_\_ questioned the date of January 19, 2005 on the Closure Letter, when the appointment letter was scheduled for January 20, 2005. Mr. Harris stated that the letters are generated by the computer prior to the appointment date. If Ms. \_\_\_\_\_ had attended the April 14, 2005 appointment, the benefits would have been reopened.
- 5) Ms. \_\_\_\_\_ stated that she has never received any of the scheduled appointment letters and, has not received any benefits since January 2005. Ms. \_\_\_\_\_ also stated that transportation was a problem in keeping appointments. According to Mr. Harris, transportation is not Good Cause for not making scheduled appointments.
- 6) According to Ms. \_\_\_\_\_, she has contacted the Department on several occasions had been reviewed with Ms. \_\_\_\_\_ prior to the Fair Hearing.
- 7) A review of the Case Comments for Ms. \_\_\_\_\_, indicates that there were no recordings between the periods of November 30, 2004 through April 11, 2005.

#### **VIII. CONCLUSIONS OF LAW:**

- 1) WV INCOME MAINTENANCE MANUAL CHAPTER 1 Application/Redetermination Process B (2) OVERVIEW OF THE ELIGIBILITY DETERMINATION PROCESS. 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 keep an appointment for a redetermination usually results in ineligibility. If the client keeps his appointment and continues to be eligible, benefits must be uninterrupted and received at approximately the same time.

The redetermination process involves basically the same activities described in item 1 above. Data system changes and client notification of any changes resulting from the redetermination conclude the process

#### **IX. DECISION:**

It is the decision of this State Hearing Officer to uphold the action of the Department in this particular matter.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 21st Day of June, 2005.**

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**RAY B. WOODS JR, MLS**  
**State Hearing Officer**