



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

May 29, 2015



RE: [REDACTED] v. WV DHHR
ACTION NOs.: 15-BOR-1690 (Medicaid)
15-BOR-1691 (SNAP)

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: Jennifer Fischer, Economic Service Supervisor

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

██████████,

Appellant,

v.

**ACTION NO.: 15-BOR-1690 (Medicaid)
15-BOR-1691 (SNAP)**

**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 May 22, 2015, on an appeal filed March 31, 2015.

The matter before the Hearing Officer arises from the April 1, 2015 decision by the Respondent to discontinue the Appellant's receipt of Qualified Child Medicaid (MQCA) and to apply a penalty to her Supplemental Nutritional Assistance Program (SNAP) benefits because she did not register with Workforce WV.

At the hearing, the Respondent appeared by Representative Jennifer Fischer of the WV DHHR, ██████████ Office. Appearing as a witness for the Respondent was Jennifer Farmer, a social worker for the WV DHHR, ██████████ Office, Child Protective Services (CPS) unit. The Appellant appeared *pro se*. All participants were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Letter from Department to Appellant dated March 16, 2015
- D-2 WV DHHR Income Maintenance Manual (IMM), Chapter 13, §13.2.A
- D-3 Letter from Department to Appellant dated March 9, 2015
- D-4 Letter from Department to Appellant dated March 16, 2015
- D-5 Workforce WV Case Activity screen print
- D-6 WV DHHR Income Maintenance Manual (IMM), Chapter 13, §13.2.A.2
- D-7 Letter from Department to Appellant dated April 1, 2015
- D-8 Letter from Department to Appellant dated April 1, 2015

Appellant's Exhibits:

- A-1 Letter from Appellant's mother, dated May 21, 2015
- A-2 Letter from Appellant's son, undated
- A-3 Letter from Appellant's neighbor, undated
- A-4 Letter from Appellant's fiancée, dated May 21, 2015
- A-5 Letter from Appellant's neighbor, dated May 20, 2015

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 March 16, 2015, the WV Department of Health and Human Resources (DHHR) issued to the Appellant a letter (Exhibit D-1) informing her that the Department was terminating her children's Medicaid benefits because they were already receiving these benefits in another case. On April 1, 2015, the WV DHHR issued to the Appellant a letter (Exhibit D-4) informing her that she was removed from her SNAP assistance group (AG) because she did not register with Workforce West Virginia, WV's employment programs agency (herein Workforce WV.) The Appellant requested a fair hearing to protest both of these actions.
- 2) The Economic Service unit of the WV DHHR, [REDACTED] office, received a report from the Child Protective Services unit that the Appellant's children did not live with her, but lived with their father. The father subsequently applied for and received medical coverage for the children.
- 3) When the children were removed from the Appellant's AG, she no longer was exempt from the SNAP policy requirement for adult recipients to register with Workforce WV. On March 16, 2015, the Department sent to the Appellant a letter (Exhibit D-4) informing her that she needed to register with Workforce WV by March 28, 2015 in order to avoid a sanction or penalty.
- 4) As of May 12, 2015, the Appellant had not registered with Workforce WV since 2009 (Exhibit D-5).

APPLICABLE POLICY

WV Income Maintenance Manual (IMM), Chapter 2, §2.2.B.2.a reads as follows in part:

Action must be taken for all [assistance groups] when information is received from a source that is considered verified upon receipt. Verified upon receipt sources are not subject to independent verification and the provider is the primary source of the information. The only sources considered verified upon receipt are:

- ...
- Unemployment Compensation and work registration data from Workforce WV
- Notification of application for benefits in another state
- Report from Social Service Worker
- ...

WV IMM Chapter 13, §13.5.A.1 reads as follows in part:

All mandatory individuals must register for employment with Workforce West Virginia within 30 days of the date of the original approval, unless exempt . . . Recipients must register every 12 months thereafter, regardless of the length of time that Workforce West Virginia considers the registration valid . . .

Once the client registers with Workforce West Virginia for SNAP purposes, he or she cannot be required to register more often than every 12 months, even when the benefit is opened and closed within the 12-month period.

WV IMM Chapter 13, §13.2.A.2 reads as follows in part:

The following SNAP recipients are exempt from the SNAP work requirements and are not subject to a SNAP penalty for failure to comply:

- ...
- A parent, or other member of the AG who has the responsibility for the care of a child under the age of 6 . . .

WV IMM Chapter 13, §13.6.A.2 reads as follows in part:

A . . . recipient who refuses or fails to register with Workforce WV, refuses employment or refuses to provide information about employment status and job availability is subject to the following penalties for at least the minimum penalty period or until he reports a change which makes him exempt from the work requirements. First violation: the individual is removed from the [SNAP assistance group] for at least 3 months or until he or she meets an exemption, whichever is later.

DISCUSSION

The Appellant requested a fair hearing to address the closure of her receipt of children's Medicaid benefits and the subsequent reopening of these benefits in the name of the children's father, and the imposition of a penalty upon the Appellant's SNAP benefits because she did not register with Workforce WV. Both of these issues arose when a worker from the Social Services unit of the WV DHHR, [REDACTED] office, reported to the Economic Service unit that the Appellant's children did not live with her, but lived with their father. Specifically, the SNAP issue arose when the children were removed from the Appellant's assistance group, thus removing the Appellant's exemption to the requirement that she register with Workforce WV.

Policy is clear that certain information is considered “verified upon receipt.” This means that when the Department receives information from certain specific sources, the Department must act upon that information immediately, without attempting to verify it from some other source. Among the list of certain specific sources is a report from a social services worker. The Department received information from a social service worker to the effect that the Appellant’s children lived with their father. This information was considered “verified upon receipt” and the Department took the appropriate action.

The Appellant’s children did not lose their Medicaid benefits, they were shifted from the Appellant to the children’s father. The Appellant testified that she had problems obtaining the Medicaid cards in order to take her children to medical appointments. It is hoped that separated parents can come to working arrangements regarding making Medicaid cards available for such situations, but that issue is beyond the scope of this fair hearing.

Since the “verified upon receipt” information indicated the Appellant no longer had custody of a child under the age of six, she was required by SNAP policy to register with Workforce WV. Evidence from the Department indicates she did not do this.

CONCLUSIONS OF LAW

- 1) The Department was correct to discontinue the Appellant’s eligibility for children’s Medicaid based upon information that her children no longer lived in her household, pursuant to WV IMM Chapter 2, §2.2.B.2.a.
- 2) The Department was correct to impose a penalty upon the Appellant’s SNAP benefits because she did not register with Workforce WV, pursuant to WV IMM Chapter 13, §13.6.A.2.

DECISION

It is the decision of the state Hearing Officer to **uphold** the Department’s decision to discontinue the Appellant’s eligibility for children’s Medicaid, and to **uphold** the Department’s decision to impose a penalty upon her benefits for failing to register with Workforce WV.

ENTERED this 29th Day of May 2015.

Stephen M. Baisden
State Hearing Officer