



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

November 30, 2017

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NOS.: 17-BOR-2740 and 17-BOR-2741

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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

cc: Jennifer Nicholas, WVDHHR

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

██████████,

Appellant,

v.

Action Numbers: 17-BOR-2740 & 17-BOR-2741

**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' Common Chapters Manual. This fair hearing convened on November 29, 2017, on appeals filed October 30, 2017.

The matters before the Hearing Officer arise from the Respondent's termination of the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits and failure to approve Qualified Medicare Beneficiary (QMB) benefits.

At the hearing, the Respondent appeared by Jennifer Nicholas, Economic Service Worker, WVDHHR. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Notice of Decision dated October 19, 2017
- D-2 Notice informing Appellant of missed SNAP review appointment dated October 6, 2017
- D-3 SNAP review appointment letter dated September 11, 2017

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, 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 Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) The Appellant's SNAP case was due for review in October 2017, and she was sent a review appointment letter on September 11, 2017 (D-3).
- 3) The Appellant failed to submit necessary documentation to the Respondent by the date of the review appointment on October 5, 2017, so the redetermination could not be completed.
- 4) On October 6, 2017, the Respondent sent the Appellant a letter (D-2) informing her that she missed her scheduled appointment for the SNAP redetermination, and could reschedule the appointment by calling the local WVDHHR office.
- 5) On October 19, 2017, the Respondent sent the Appellant a Notice of Decision (D-1), indicating that her SNAP benefits would be terminated effective November 2017 because she failed to complete the eligibility review.
- 6) The Appellant submitted hearing requests on October 30, 2017, appealing the SNAP termination and the Respondent's failure to approve Qualified Medicare Beneficiary (QMB) benefits.
- 7) The Appellant did not submit an application for QMB benefits, so the Respondent could make no decision concerning her eligibility for that program.
- 8) The Appellant testified that she informed someone in the Appellant's office that she could not keep her SNAP redetermination appointment.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 1.2.2.A states that the application process determines initial eligibility for one or a combination of programs. Depending on the program or coverage group for which an individual applies, the application may be submitted by mail, phone, electronically, through the FFM, through inROADS, in person, or it may be received by DHHR through the SSA's data exchange. The application may be held, pending receipt of necessary information or verification, but there are processing time limits that must be met. All applications must have a final disposition and the client must be notified of the decision.

West Virginia Income Maintenance Manual Chapter 1.2.2.B states that periodic reviews of total eligibility for recipients are mandated by federal law. These are redeterminations and take place at specific intervals, depending on the program or Medicaid coverage group. Failure by the client to

complete a redetermination will result in termination of benefits. If the client completes the redetermination process by the specified program deadline(s) and remains eligible, benefits must be uninterrupted and received at approximately the same time.

West Virginia Income Maintenance Manual Chapter 1.2.4 states that it is the client's responsibility to provide complete and accurate information about his circumstances so that the worker is able to make a correct determination about his eligibility

DISCUSSION

Policy states that the income maintenance application process determines initial eligibility for one or a combination of programs. Depending on the program or coverage group for which an individual applies, the application may be submitted by mail, phone, electronically, through the FFM, through inROADS, in person, or it may be received by WVDHHR through the SSA's data exchange. Periodic reviews of total eligibility for recipients are mandated by federal law. These are redeterminations and take place at specific intervals, depending on the program or Medicaid coverage group. Failure by the client to complete a redetermination will result in termination of benefits. It is the client's responsibility to provide complete and accurate information about his circumstances so that the worker is able to make a correct determination about his eligibility.

The Appellant failed to complete her SNAP eligibility review, so the Respondent was correct in terminating SNAP benefits effective November 2017. The Appellant failed to apply for QMB benefits, so there was neither approval nor denial of a QMB application. The Respondent was correct in taking no action concerning eligibility for QMB benefits based on the Appellant's failure to apply for the program.

CONCLUSION OF LAW

The Respondent acted correctly in terminating the Appellant's SNAP benefits effective November 2017 and taking no action to determine eligibility for QMB benefits.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Respondent's termination of SNAP benefits and its inaction concerning QMB eligibility.

ENTERED this 30th Day of November 2017.

Pamela L. Hinzman
State Hearing Officer

