



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
1400 Virginia Street
Oak Hill, WV 25901

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

February 9, 2016

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-3547

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,

Kristi Logan
State Hearing Officer
Member, State Board of Review

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

cc: Julie Stutso-Deel, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 15-BOR-3547

**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 was convened on February 4, 2016, on an appeal filed November 30, 2015.

The matter before the Hearing Officer arises from the November 18, 2015, decision by the Respondent to terminate Adult Medicaid and Children's Medicaid benefits.

At the hearing, the Respondent appeared by Julie Stutso-Deel, Economic Services Supervisor. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

D-1 Public Assistance Reporting Information System (PARIS) Interstate Match Screen Print
D-2 Notice of Interstate Match dated October 29, 2015
D-3 Notices of Decision dated November 18, 2015

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 Adult Medicaid benefits for herself and Children's Medicaid benefits for her son.
- 2) The Appellant was notified on October 29, 2015, that the Department had received information that she and her son were already receiving Medicaid benefits in another state. The Appellant was instructed to contact the Department by November 12, 2015, if this information was incorrect.
- 3) The Department issued a Notice of Decision (D-3) to the Appellant on November 18, 2015, advising that Medicaid benefits for herself and her son would be terminated effective November 30, 2015.
- 4) The Appellant requested a hearing upon receipt of the termination letter.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §8.6 states that 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.

West Virginia Income Maintenance Manual §3.3 C(2) states that a return on a PARIS interstate match indicates an individual is enrolled for benefits in two or more states. Automatic disenrollment for the West Virginia program occurs for the matched individuals. If the individual is the primary person in the entire case, it will close. The process is administered by the Department's Office of Inspector General's Investigations and Fraud Management Unit (IFM). When IFM determines action is necessary by the Worker, he will be notified. The information received is considered verified upon receipt. The Worker has 10 days to take the action specified.

DISCUSSION

The Department received a PARIS match for the Appellant and her son indicating that Medicaid benefits were being received concurrently in [REDACTED] and West Virginia. The Department contended that per policy, West Virginia Medicaid was terminated as a result. The Appellant reapplied for Medicaid in December 2015, but the application was denied as the Appellant had not verified her case closure in [REDACTED]

The Appellant testified that she moved to West Virginia in October 2013, at which time she requested case closure from [REDACTED]. The Appellant purported that in October 2015, she received a Medicaid renewal form from [REDACTED] for her son's Medicaid benefits. She contacted [REDACTED] and was advised that Medicaid benefits had remained active for the past year, but that her case would be closed. The Appellant testified that subsequently she received the notices from West Virginia about the duplicate Medicaid benefits and contacted the [REDACTED] County district office on how to proceed.

Policy prohibits the simultaneous receipt of Medicaid benefits in more than one state. The Department received information from the federal data exchange advising that the Appellant's Medicaid benefits were active in [REDACTED] which prompted the automatic termination of the West Virginia benefit. As of the date of the hearing, the Appellant failed to provide verification that the benefits in [REDACTED] had been closed.

CONCLUSIONS OF LAW

Whereas policy prohibits the receipt of simultaneous receipt of Medicaid benefits in more than one state and the Appellant did not provide verification of her case closure in [REDACTED] the Department was correct to terminate West Virginia Medicaid benefits.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to terminate the Appellant's Adult Medicaid and Children's Medicaid benefits.

ENTERED this 9th day of February 2016

Kristi Logan
State Hearing Officer