



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
P.O. Box 1247
Martinsburg, WV 25402**

**Jim Justice
Governor**

**Bill J. Crouch
Cabinet Secretary**

March 30, 2017

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-1409

Dear [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,

Lori Woodward
State Hearing Officer
Member, State Board of Review

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

cc: Peter VanKleeck, WV DHHR

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

██████████,

Appellant,

v.

Action No.: 17-BOR-1409

**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 March 29, 2017, on appeal filed March 3, 2017.

The matter before the Hearing Officer arises from the February 16, 2017, decision by the Respondent to closure the Appellant's Transitional Medical Assistance (TMA) benefits.

At the hearing, the Respondent appeared by Peter VanKleeck, Family Support Supervisor. The Appellant appeared *pro se* and testified on her own behalf. The witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Summary
- D-2 PRL8 Transitional Medicaid Periodic Report notice form, dated December 16, 2016
- D-3 CMC3 closure notice, dated February 16, 2017
- D-4 WV Income Maintenance Manual §16.5.C.1.f (excerpt)

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 West Virginia Transitional Medical Assistance (TMA) benefits.
- 2) On December 16, 2016, Form PRL8, Transitional Medicaid Periodic Report form was sent to the Appellant, notifying her that she needed to provide the requested information and return it to the local DHHR office on or before January 19, 2017 or risk ineligibility for any other TMA coverage. (Exhibit D-2).
- 3) The Appellant failed to return her TMA periodic report form.
- 4) On February 16, 2017, the Respondent sent the Appellant notification that her medical assistance was ending by February 28, 2017. (Exhibit D-3).

APPLICABLE POLICY

West Virginia Income Maintenance Manual (IMM) §1.2.B.2, explains that periodic reviews of total eligibility for recipients are mandated by law and take place at specific intervals. The redetermination process involves basically the same activities as the application process. The application may be held, pending receipt of necessary information or verification, but there are processing time limits which must be met. Failure by the client to complete a redetermination usually results in ineligibility.

IMM §16.5.C.1.f, Client's Reporting Requirements, instructs that the client is required to report his gross earnings and day care costs for the first 3 months of Phase I coverage by the 1st work day after the 20th of the 4th month. He is also required to report the earnings and day care costs of any person in the home who is included in the Parents/Caretaker Relatives Medicaid Income Group. In addition, he must report his gross earnings and day care costs for the last 3 months of Phase I coverage by the 1st work day after the 20th of the 1st month of Phase II coverage. eRAPIDS letter PRL3, is mailed to the client by the 3rd Friday of the 3rd month. If the client returns the completed PRL3 form, he has met one of the eligibility requirements for Phase II coverage.

Failure to return a completed form, without good cause, by the 1st work day after the 20th of the 4th month, automatically renders the AG ineligible to participate in Phase II, after proper notice. The client must be notified of the consequences of his actions when the form is not returned by the due date without good cause or is returned but is incomplete. The client has a right to a Fair Hearing on this issue since future eligibility is involved. The Worker must not wait until the end of Phase I coverage to notify the client of his ineligibility for Phase II. The process of determining eligibility or ineligibility, based on this reporting requirement, is completed prior to the end of Phase I coverage.

DISCUSSION

On December 16, 2016, the Respondent sent the Appellant a Transitional Medicaid Periodic Report form to complete by January 19, 2017, instructing her that failure to do so could result in ineligibility for other Transitional Medicaid coverage. The Appellant failed to complete and return the form. On February 16, 2017, the Respondent sent notification that the Appellant's TMA benefits would end at the end of February 2017.

The Appellant did not dispute that she failed to return the review form. As the review form was not completed and returned, the Respondent was correct to close the Appellant's Transitional Medical Assistance benefits.

CONCLUSION OF LAW

Whereas, the Appellant did not return her Transitional Medicaid Periodic Report form as required by policy, the Respondent correctly closed the Appellant's TMA benefits.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Department's closure of the Appellant's Transitional Medical Assistance benefits.

ENTERED this 30th day of March 2017.

Lori Woodward, State Hearing Officer