



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL

Jim Justice
Governor

BOARD OF REVIEW
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August 31, 2017



RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-2202

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: Janee Scott, Economic Service Supervisor

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

██████████,

Appellant,

v.

ACTION NO.: 17-BOR-2202

**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 August 29, 2017, on an appeal filed July 28, 2017.

The matter before the Hearing Officer arises from the Respondent's termination of Appellant's eligibility for Children's MAGI (MGKF) Medicaid.

At the hearing, the Respondent appeared by Representative Janee Scott, Economic Service Supervisor. The Appellant appeared *pro se*. Both participants were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Medicaid Mail-in review form, dated June 12, 2017
- D-3 Letter from Department to Appellant, dated July 19, 2017
- D-4 WV Income Maintenance Manual (WV IMM), Chapter 1, §1.2.B

Appellant's Exhibits:

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence during 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 Children's MAGI Medicaid (MGKF). On June 12, 2017, the Department sent to the Appellant a mail-in benefit review form (Exhibit D-2). The cover page of this form instructed the Appellant to complete the form and return it to her local DHHR office by July 1, 2017.
- 2) As of July 19, 2017, the Appellant had not submitted a completed mail-in review form.
- 3) On July 19, 2017, the Department sent to the Appellant a letter (Exhibit D-3), informing her that her MGKF Medicaid would close at the end of the month.
- 4) The Appellant requested a fair hearing to protest the closure of her household's MGKF Medicaid.

APPLICABLE POLICY

The WV DHHR Income Maintenance Manual (IMM) Chapter 1, §1.2.B.2 reads as follows in part:

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 complete a redetermination usually results in ineligibility. If the client completes the redetermination process by the specified program deadlines and remains eligible, benefits must be uninterrupted and received at approximately the same time [each month].

The WV DHHR Income Maintenance Manual (IMM) Chapter 16, §16.5.D states that the specific interval for Children's Medicaid eligibility redetermination is twelve months.

DISCUSSION

The Department's representative testified that the Department sent the Appellant a Medicaid mail-in review form (Exhibit D-2) on June 12, 2017. The form instructed the Appellant to complete and return it to the Department by July 1, 2017. She testified that as of July 19, 2017, the Appellant had not returned it, so the benefits closed effective July 31, 2017. She stated that on August 7, 2017, as she was preparing for this hearing, she again checked to see if the Appellant had submitted the review form. She stated that the form had not arrived.

The Appellant testified that she did not know why the form had not arrived at the DHHR office, but speculated that it may have "gotten lost in the mail." She testified that she understood her child's Medicaid was discontinued because the Department had not received the review form.

The Department's representative stated she sent the Appellant another review form, and she asked the Appellant if she had submitted the second form. The Appellant replied that she had mailed it to the Department on the previous day, August 28, 2017.

The Appellant did not dispute the Department's decision to discontinue her MGKF Medicaid. The Department acted correctly to close the Appellant's MGKF Medicaid for failure to submit a review form.

CONCLUSION OF LAW

Because the Appellant did not submit a Medicaid review form before July 31, 2017, the Department acted correctly to discontinue the Appellant's eligibility for MGKF Medicaid, pursuant to WV DHHR IMM Chapter 1, §1.2.B.2 and Chapter 16, §16.5.D.

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 MAGI Medicaid (MGKF).

ENTERED this 31st Day of August 2017.

Stephen M. Baisden
State Hearing Officer