



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
203 East Third Avenue
Williamson, WV 25661

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

June 12, 2017



RE: [REDACTED] v. WV DHHR
ACTION NOS: 17-BOR-1659 (SNAP)
17-BOR-1701 (Medicaid)

Dear Mr. [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: Heather Keffer, Economic Service Supervisor

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

████████████████████,

Appellant,

v.

**ACTION NO.: 17-BOR-1659 (SNAP)
17-BOR-1701 (Medicaid)**

**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 June 6, 2017, on an appeal filed April 17, 2017.

The matter before the Hearing Officer arises from the April 10, 2017 decision by the Respondent to decrease the Appellant's monthly allotment of Supplemental Nutritional Assistance Program (SNAP) benefits and discontinue the Medicaid coverage for one of his children after the Respondent removed one of his children from his SNAP and Medicaid assistance groups (AGs).

At the hearing, the Respondent appeared by Representative Debrina Lester, Economic Service Worker. The Appellant appeared *pro se*. The participants were sworn and the following documents were admitted into evidence.

Department's Exhibits:

D-1 Letter from Department to Appellant, dated April 10, 2017

Appellant's Exhibits:

None

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 SNAP benefits and Medicaid for himself and his two children.
- 2) The Appellant submitted a mail-in review form on January 24, 2017. He completed a telephone follow-up review on February 9, 2017, reporting that his household consisted of himself and his two children.
- 3) On April 7, 2017, the Department purportedly received a PARIS match notification, an alert from a nationwide information clearing service that informs state human resources departments when individuals appear to receive public assistance benefits in multiple states simultaneously. This particular PARIS match alerted the WV DHHR that one of the Appellant's two children also received SNAP and Medicaid in the state of [REDACTED].
- 4) Acting on this information, the Department removed this child from the Appellant's SNAP and Medicaid assistance groups. The Department informed the Appellant of the removal by letter dated April 10, 2017 (Exhibit D-1).
- 5) The Appellant requested a fair hearing based on the removal of one of his children from his SNAP and Medicaid assistance groups.

APPLICABLE POLICY

WV Income Maintenance Manual (IMM), Chapter 9, §9.1.A.1(2) reads as follows in part:

The following individuals who live together must be in the same AG, even if they do not purchase and prepare meals together:

- Spouses, individuals who are legally married to each other under provisions of state law or those moving to West Virginia from states that recognize their relationship as a legal marriage;
- Children under age 22, living with a parent.

WV IMM, Chapter 9, §9.7.B reads as follows: “The methodology for determining the MAGI household's [Income Group and Needs Group] is the same as found in Section 9.3.B and C.”

WV IMM, Chapter 9, 9.3.C reads as follows in part:

The MAGI household consists of the applicant and the following individuals as long as they reside with the applicant:

1. The applicant's spouse;
2. The applicant's children under age 19;
3. For applicants under 19, their parents and siblings who also are under 19.

DISCUSSION

The Department removed one of the Appellant's children from his SNAP and Medicaid assistance groups after purportedly receiving a PARIS match, a data match from a national clearinghouse of public assistance information. This PARIS match indicated that the child in question appeared to be receiving SNAP and Medicaid in West Virginia and [REDACTED] simultaneously. The Department based its decision on WV IMM Chapter 9, §§9.1.A.1(2), 9.7.B and 9.3.C.

The Appellant testified that his children lived with their mother in [REDACTED], but he had obtained custody of both children in October 2016. He testified that his children's mother also had moved back to West Virginia in October 2016. He stated that when he received notification of the PARIS match, he informed the children's mother, who called the [REDACTED] Division of Social Services to have the child removed from any public benefits in that state. He stated she was informed the child was not included in any [REDACTED] public assistance benefits.

The Department did not provide any evidence to support its contention that the Appellant's child should have been removed from his SNAP or Medicaid assistance groups. There were no case recordings, no records of correspondence with [REDACTED], and no documentation from the WV DHHR's public assistance computer network to indicate the Appellant's household composition. The only evidence provided by the Department was the April 10, 2017, letter informing the Appellant that the Department was removing one of his children from the SNAP and Medicaid assistance groups (Exhibit D-1).

Due to the dearth of evidence to support the Department's position that it acted correctly to remove one of the Appellant's children from his SNAP and Medicaid assistance groups, the Department failed to provide a preponderance of evidence that it acted correctly in doing so.

CONCLUSION OF LAW

The Department removed one of the Appellant's children from his SNAP and Medicaid assistance groups after purportedly receiving a PARIS match indicating the child also received these benefits in the state of [REDACTED], pursuant to WV IMM Chapter 9, §§9.1.A.1(2), 9.7.B and 9.3.C. Because the Department did not provide evidence to support its position that it acted correctly to do so, the decision to remove the child in question from the Appellant's SNAP and Medicaid assistance groups is reversed.

DECISION

It is the decision of the state Hearing Officer to **reverse** the Department's decision to remove one of the Appellant's children from his SNAP and Medicaid assistance groups.

ENTERED this 12th Day of June, 2017.

**Stephen M. Baisden
State Hearing Officer**