



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW  
4190 West Washington Street  
Charleston, WV 25313

Jim Justice  
Governor

Bill J. Crouch  
Cabinet Secretary

May 23, 2017



RE: [REDACTED] v. WV DHHR  
ACTION NOS.: 17-BOR-1668 and 17-BOR-1669

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,

Natasha Jemerison  
State Hearing Officer  
Member, State Board of Review

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

cc: Robert Meade, FSS

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

████████████████████,

**Appellant,**

v.

**Action Numbers: 17-BOR-1668 &  
17-BOR-1669**

**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 May 17, 2017, on an appeal filed April 18, 2017.

The matter before the Hearing Officer arises from the April 10, 2017, decision by the Respondent to remove the Appellant's grandson from the Supplemental Nutrition Assistance Program (SNAP) and Medicaid benefits.

At the hearing, the Respondent appeared by Robert Meade, Family Support Specialist. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

None

**Appellant's Exhibits:**

- A-1 Order of Guardian Appointment
- A-2 Power of Attorney
- A-3 Medical records

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's grandson was an assistance group (AG) member of the Appellant's SNAP and Medicaid benefits.
- 2) The Appellant has had custody of her grandson since February 1, 2015. (A-1)
- 3) On April 10, 2017, the Appellant was notified that the Department had received information that her grandson was receiving benefits in another state, and he would be removed from the West Virginia benefits effective May 31, 2017.
- 4) The Appellant requested a hearing upon receipt of the Notice of Interstate Match.

### **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 Public Assistance Reporting Information System (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 interstate match for the Appellant's grandson indicating that benefits were being received concurrently in [REDACTED] and West Virginia. The Appellant contended that she has had custody of her grandson and he has resided with her since February 2015.

Policy indicates 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.

The Appellant testified that she has had custody of her grandson since February 2015. She stated that she called and verified that her grandson was added to his father's benefits in [REDACTED]. She added that she informed a case worker in [REDACTED] that she has custody of her grandson and that he resides with her in West Virginia. The Appellant stated the worker agreed that the Appellant's grandson should be on the Appellant's case, but did not indicate if he would be removed from the [REDACTED] benefits.

The Department's representative, Robert Meade, did not dispute that the Appellant's grandson resides in West Virginia with the Appellant. Mr. Meade contended that per policy, the Appellant's grandson cannot be included in West Virginia benefits until it has been verified that the Appellant's grandson has been removed from the [REDACTED] benefits.

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

#### **CONCLUSION OF LAW**

Whereas policy prohibits the receipt of simultaneous SNAP and Medicaid benefits in more than one state and the Appellant did not provide verification of the removal of her grandson from the case in [REDACTED] the Department was correct to remove the Appellant's grandson from West Virginia SNAP and Medicaid benefits.

#### **DECISION**

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to remove the Appellant's grandson from SNAP and Medicaid benefits.

**ENTERED this 23<sup>rd</sup> day of May 2017**

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**Natasha Jemerison  
State Hearing Officer**