



**STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW  
Berkeley County DHHR  
PO Box 1247  
Martinsburg, WV 25402**

**Bill J. Crouch  
Cabinet Secretary**

**Jolynn Marra  
Interim Inspector General**

October 24, 2019

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO: 19-BOR-2529

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: Margaret Vloedman, BCF, [REDACTED] Co. DHHR

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

██████████,

**Appellant,**

v.

**Action # 19-BOR-2529**

**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 October 24, 2019, on an appeal filed September 30, 2019.

The matter before the Hearing Officer arises from the September 23, 2019 decision by the Respondent to close the Appellant's WV CHIP Premium benefits.

At the hearing, the Respondent appeared by Margaret Vloedman, Family Support Supervisor. The Appellant appeared *pro se*. The witnesses were sworn, and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Fair Hearing Summary
- D-2 Verification request (DFA-6) dated September 6, 2019
- D-3 Closure notice (EDC1) dated September 23, 2019
- D-4 West Virginia Income Maintenance Manual (IMM), Chapter 7, §7.2.3 (excerpt)

**Appellant's Exhibits:**

None

After a review of the record, including testimony, exhibits, 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 receiving WV CHIP Premium benefits for her child.
- 2) On September 6, 2019, the Respondent sent a request for verification of information which was due by September 19, 2019. (Exhibit D-2)
- 3) The Appellant failed to return the requested information by the due date.
- 4) On September 23, 2019, the Respondent sent a notice to the Appellant that her WV CHIP Premium benefits were closing as of October 1, 2019 because of her failure to return the requested information by the due date. (Exhibit D-3)

## **APPLICABLE POLICY**

A child is eligible for Medicaid coverage when all of the following conditions are met: 1) the child is not eligible for Supplemental Security Income (SSI) Medicaid; 2) the child is under age 19 (regardless of school attendance or course completion date); and 3) the income eligibility requirements described in Chapter 4 are met. For children under the age of one (1) year, the income level must be at or below 158% of the Federal Poverty Level (FPL); for children 1 to 5 years old, the income level must be at or below 141% FPL; and for children 6 to 19 years old the income level must be at or below 133% FPL. (IMM, Chapter 23, §23.10.2)

IMM Chapter 22, §22.1, explains that WV CHIP is a means-tested health insurance program for children from birth to age 19. Eligible clients are assigned to one of the following WV CHIP enrollment groups based on the countable income of the Income Group (IG):

- WVCHIP Gold – up to 150% FPL with limited co-payments
- WVCHIP Blue – over 150% of the FPL and up to 211% of the FPL with full co-payments
- WVCHIP Premium – over 211% of the FPL and up to 300% of the FPL with monthly premiums and full co-payments
- Exempt – Federal regulations exempt Native Americans/Alaska Natives from cost sharing

The primary responsibility for providing verification rests with the client. Failure of a client to provide necessary information results in the denial of the application or closure of the active case. (IMM Chapter 7, §7.2.3)

## **DISCUSSION**

The Appellant was receiving WV CHIP Premium benefits for her child. On September 6, 2019, the Appellant requested verification of income to complete eligibility determination for the program. The verification request notified the Appellant that if the information was not provided by September 19, 2019, her benefits would be stopped. Because the requested information was not returned by the due date, the Respondent sent notification to the Appellant on September 23, 2019, that her WV CHIP Premium benefits were closing as of October 1, 2019.

The Appellant did not contest the fact that she failed to return the requested information by the due date. She testified that she either overlooked the request, misread it or simply did not understand what was requested. Both parties indicated that they had held a pre-hearing conference and that the Appellant would be allowed to submit the requested information within the next few days for redetermination of her eligibility for the program. The Appellant was reminded that no matter what the outcome of this decision or the re-determination of program eligibility, she always had the right to apply.

### **CONCLUSION OF LAW**

Because the Appellant failed to return the requested verification by the noticed due date, the Respondent correctly closed of the Appellant's WV CHIP Premium benefits.

### **DECISION**

It is the decision of the State Hearing Officer to UPHOLD the Respondent's closure of WV CHIP Premium benefits.

**ENTERED this 24<sup>th</sup> day of October 2019.**

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**Lori Woodward, State Hearing Officer**