



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH
Office of the Inspector General
Board of Review**

**Sherri A. Young, DO, MBA, FAAFP
Interim Cabinet Secretary**

**Christopher G. Nelson
Interim Inspector General**

January 11, 2024

[REDACTED]

RE: [REDACTED] v. WVDHS
ACTION NO.: 23-BOR-3549

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 Human Services. These same laws and regulations are used in all cases to ensure 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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

Encl: Recourse to Hearing Decision
Form IG-BR-29

cc: Carla Marsh, WVDHS

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW**

██████████,

Appellant,

v.

Action Number: 23-BOR-3549

**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 Office of Inspector General Common Chapters Manual. This fair hearing was convened on January 3, 2024.

The matter before the Hearing Officer arises from the October 3, 2023, decision by the Respondent to terminate Medicaid Work Incentive Program benefits effective November 2023.

At the hearing, the Respondent appeared by Carla Marsh, Economic Service Worker Senior. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Case Comments dated October 3, 2023
- D-2 Notice of Decision dated May 5, 2023
- D-3 Delinquent Notice sent to Respondent by ██████████ via e-mail on October 2, 2023
- D-4 Notice of Decision dated October 3, 2023
- D-5 West Virginia Income Maintenance Manual Chapter 26.2.5.B

Appellant's Exhibits:

- A-1 Written statement of ██████████
- A-2 Notice of Decision dated October 4, 2023
- A-3 Notice of Decision dated October 4, 2023
- A-4 Notice of Decision dated October 3, 2023
- A-5 West Virginia Income Maintenance Manual Chapter 23.2

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 Medicaid Work Incentive (M-WIN) benefits.
- 2) The Appellant was notified on May 5, 2023, that her eligibility for M-WIN had been redetermined and that her premium amount would change from \$94.50 to \$80.50 beginning in June 2023 (Exhibit D-2).
- 3) In August 2023, the Appellant informed the [REDACTED] DHS Office that she had not received an M-WIN premium payment letter with instructions on how to pay the premium (Exhibit A-1).
- 4) On October 2, 2023, [REDACTED] the contract agency for M-WIN, informed the Appellant's case worker that the State Treasurer's Office had not received a premium payment from the Appellant and that the Appellant should be disenrolled from the M-WIN Program (Exhibit D-3).
- 5) The Respondent sent the Appellant a Notice of Decision on October 3, 2023, informing her that M-WIN benefits would be terminated effective November 2023 (Exhibit D-4).

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 26.2.5.B.1 states that the contract agency for M-WIN sends premium due letters and payment stubs to M-WIN clients on approximately the second day of the month in which the premium is due. To ensure proper credit of payment, the client must mail the stub and payment in the window envelope provided (Exhibit D-5).

West Virginia Income Maintenance Manual Chapter 26.2.5.B.2 states that M-WIN premium payments are due the 16th of the coverage month and are considered overdue if not received by the 26th of the coverage month. Local and state offices do not accept premium payments (Exhibit D-5).

DISCUSSION

Policy states that the contract agency for M-WIN sends premium due letters and payment stubs to M-WIN clients on approximately the second day of the month in which the premium is due. To ensure proper credit of payment, the client must mail the stub and payment in the window envelope provided. Local offices do not accept premium payments.

The Appellant testified that she was approved for M-WIN benefits during the COVID-19 public health emergency and was not required to pay premiums during the pandemic. After completing a case redetermination, the Appellant was notified in May 2023 that her M-WIN coverage would continue, but her premium would decrease beginning in June 2023. In August 2023, the Appellant inquired at the Respondent's local office about what she should do if she had not received a letter to pay her M-WIN premium. The Appellant stated that a staff member at the front desk said she would receive a letter with instructions when she needed to start paying the premium. The Appellant contended that she never received a letter from [REDACTED] with a stub to pay her M-WIN premium, but received three letters from the Respondent's local office in October 2023: one letter stated that she would no longer receive M-WIN because she failed to pay her premium, one letter stated that her income was excessive to receive Medicaid benefits, and a third letter said that she was being evaluated for other Medicaid programs. The Appellant testified that she found the letters confusing and waited to receive another notice about the type of assistance for which she was being evaluated, but never received another notice.

The Respondent's representative testified that [REDACTED] sends out payment letters with stubs to facilitate the payment of M-WIN premiums, and the local office does not have access to determine whether the [REDACTED] letters were sent.

The Appellant provided credible testimony that she did not receive a payment letter to submit her M-WIN premium and the Respondent could not verify whether a premium letter was sent by [REDACTED]. The Appellant demonstrated a clear desire to pay her M-WIN premium when she consulted the local office in August 2023 after failing to receive a payment notice. As the Appellant did not receive a premium payment letter or payment stub, the Respondent's decision to terminate M-WIN benefits based on non-payment cannot be affirmed.

CONCLUSIONS OF LAW

- 1) The contract agency for the M-WIN Program is responsible for sending premium due letters and payment stubs to M-WIN clients on approximately the second day of the month in which the premium is due.
- 2) The Appellant received no premium due letters or payment stubs to facilitate payment of her M-WIN premium following a case redetermination in May 2023.
- 3) The Respondent could not confirm whether premium due letters or payment stubs were sent to the Appellant by the contract agency.
- 4) Local offices do not accept payment for M-WIN premiums.
- 5) The Respondent's decision to terminate M-WIN benefits based on non-payment of premiums cannot be affirmed as there is no verification that the contract agency sent proper premium payment notification to the Appellant.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's action to terminate M-WIN benefits effective November 2023. The Appellant is responsible for the payment of premiums once proper notice is sent.

ENTERED this 11th day of January 2024.

**Pamela L. Hinzman
State Hearing Officer**