



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
1400 Virginia Street
Oak Hill, WV 25901

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

March 3, 2015



RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-1232

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,

Kristi Logan
State Hearing Officer
Member, State Board of Review

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

cc: Chloe Philip, Economic Service Worker

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

██████████,

Claimant,

v.

Action Number: 15-BOR-1232

**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 February 26, 2015, on an appeal filed November 18, 2014.

The matter before the Hearing Officer arises from the November 26, 2014, decision by the Respondent to deny reimbursement for meals under the Non-Emergency Medical Transportation (NEMT) program.

At the hearing, the Respondent appeared by Chloe Philip, Economic Service Worker. The Claimant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Department's Summary
- D-2 Hearing Request received November 18, 2014
- D-3 Scheduling Order
- D-4 Notice of Decision
- D-5 Case Comments from September 2014 through November 2014
- D-6 NEMT Application received November 3, 2014
- D-7 WV Income Maintenance Manual §27.13 C, effective date February 2011

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 Claimant submitted a NEMT application (D-6) on November 3, 2014, requesting reimbursement for medical transportation of her daughter. The Claimant requested roundtrip mileage, reimbursement of tolls and eighty-four (84) meals for her daughter's hospital stay from September 5, 2014 through October 2, 2014.
- 2) The Department contended that the Claimant was not eligible to receive reimbursement for meals as overnight lodging had not been approved. Roundtrip mileage and reimbursement for toll charges had been approved.
- 3) The Claimant testified that she stayed in the hospital with her daughter during her stay and was told that she could receive reimbursement for meals. The Claimant stated her daughter required emergency medical treatment and she did not have time to obtain approval prior to the hospital stay.

APPLICABLE POLICY

WV Income Maintenance Manual §27.13 D(4) states that reimbursement for meals is available only in conjunction with lodging. Meals are only approved when lodging is approved.

DISCUSSION

The Claimant was not approved for reimbursement for lodging and per policy is not eligible to receive reimbursement for meals.

CONCLUSIONS OF LAW

Whereas the Claimant did not meet the criteria found in policy to receive reimbursement for meals through the NEMT program, the Department was correct to deny payment for meals.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Department's denial of reimbursement of meals for the Claimant under the Non-Emergency Medical Transportation program.

ENTERED this 3rd day of March 2015

**Kristi Logan
State Hearing Officer**