



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

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

**Ann Vincent-Urling
Interim Inspector General**

March 7, 2024

[REDACTED]

RE: [REDACTED] v. WVDoHS
ACTION NO.: 24-BOR-1251

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,

Eric L. Phillips
State Hearing Officer
Member, State Board of Review

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

cc: Paul Patrick, BFA

P.O. Box 1736 • Romney, WV 26757
304-822-6900 • <https://www.wvdhhr.org/oig/bor.html> •
Eric.l.Phillips@wv.gov • OIGBOR@WV.GOV

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

████████████████████

Appellant,

v.

Action Number: 24-BOR-1251

**WEST VIRGINIA DEPARTMENT OF
HUMAN SERVICES
BUREAU FOR FAMILY ASSISTANCE,**

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’s Common Chapters Manual. This fair hearing was convened on March 7, 2024, on an appeal filed January 29, 2024.

The matter before the Hearing Officer arises from the October 10, 2023 decision by the Respondent to terminate the Appellant’s Specified Low-Income Medicare Beneficiary benefits (SLIMB).

At the hearing, the Respondent appeared by Paul Patrick, Economic Service Supervisor. The Appellant was represented by her daughter, ██████████. The Appellant’s witnesses included ██████████, Appellant’s granddaughter. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Notice of Decision dated October 10, 2023

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 is 93 years of age.
- 2) The Appellant's authorized representative is her daughter, [REDACTED]. (Exhibit D-1)
- 3) The Appellant was a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits and SLIMB assistance.
- 4) The Appellant was required to complete a recertification for all benefits.
- 5) On October 6, 2023, the Respondent attempted to complete a telephonic recertification of the Appellant's benefits. (Exhibit D-1)
- 6) On October 6, 2023, the Appellant's authorized representative requested that all of the Appellant's benefits through Respondent be terminated. (Exhibit D-1)
- 7) On October 10, 2023, the Respondent issued a Notice of Decision informing the Appellant that her SNAP and SLIMB benefits would terminate effective October 31, 2023 because of the requested benefit closure.
- 8) On January 29, 2024, the Appellant's authorized representative requested a hearing on the termination of SLIMB benefits.
- 9) The Appellant's authorized representative completed an additional application for SLIMB benefits.

APPLICABLE POLICY

West Virginia Income Maintenance Manual § 1.16.11 documents:

The ending date of eligibility is the last day of the month of the effective date of closure. When QMB, SLIMB and QI-1 eligibility ends, it ends effective the month following the month in which ineligibility occurs, or whenever the advance notice period ends.

West Virginia Income Maintenance Manual § 10.2.1.B.4 documents:

The Worker must close the AG when the client requests such action be taken. The Worker should encourage the client to state the reason he is making the request but acts on the AG closure even if he does not. Advance notice is required.

DISCUSSION

Policy requires that upon expiration of advance notice, an assistance group is terminated when the client requests the closure of benefits. On October 6, 2023, the Appellant's authorized representative requested closure of her mother's SNAP and SLIMB benefits. The termination of benefits was effective October 31, 2023. On January 29, 2024, the Appellant's authorized representatives appealed the Respondent's decision to terminate SLIMB benefits. The Respondent must prove by a preponderance of the evidence that the Appellant requested closure of benefits.

On October 6, 2023, the Appellant was required to complete a recertification of SNAP and SLIMB benefits. Prior to the completion of the recertification, the Appellant's authorized representative requested closure of her mother's benefits. On October 10, 2023, the Respondent issued a Notice of Decision informing the Appellant of the closure of all benefits as requested with an effective date of October 31, 2023, upon expiration of advance notice. On February 12, 2024, an additional application for SLIMB benefits was completed by the Appellant's authorized representative, which approval remains pending verification of the Appellant's liquid assets and life insurance policies.

██████████ the Appellant's authorized representative testified that the closure of her mother's SLIMB benefits was a "misunderstanding". ██████████ understood that an additional application had been processed and was aware of the additional information required to process the application.

Governing policy mandates that an assistance group's benefits are terminated, after expiration of advance notice, upon the individual's request. Policy indicates that an individual should be encouraged to state the reason of the termination request, but reasoning is not necessary prior to termination of benefits.

The Appellant's authorized representative requested closure of her mother's SLIMB benefits. The Respondent offered an advance notice period and terminated SLIMB benefits effective October 31, 2023. Because the Appellant's authorized representative requested closure of benefits, the Respondent's decision to terminate SLIMB benefits is affirmed.

CONCLUSIONS OF LAW

- 1) Assistance group benefits are closed upon request after the expiration of advance notice.
- 2) On October 6, 2023, the Appellant's authorized representative requested closure of their mother's SNAP and SLIMB benefits.

- 3) The Respondent terminated the Appellant's benefits, effective October 31, 2023, after expiration of advance notice.
- 4) The Respondent's decision to terminate SLIMB benefits is affirmed.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the decision of the Respondent to terminate the Appellant's SLIMB benefits.

ENTERED this _____ day of March 2024 .

Eric L. Phillips
State Hearing Officer