



September 4, 2024

[REDACTED]

RE: [REDACTED] vs. WVDoHS  
BOR Action No.:24-BOR-2966

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: Leslie Riddle, BFA

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

████████████████████

**Appellant,**

v.

**Action Number: 24-BOR-2966**

**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 Office of Inspector General Common Chapters Manual. This fair hearing was convened on September 4, 2024, on appeal filed August 15, 2024.

The matter before the Hearing Officer arises from the June 26, 2024 decision by the Respondent to terminate the Appellant's eligibility for the Medicare Premium Assistance benefits.

At the hearing, the Respondent appeared by Leslie Riddle, Economic Service Worker Senior. The Appellant was represented by his son-in-law, ██████████. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 MREV redetermination form dated June 14, 2024
- D-2 West Virginia Income Maintenance Manual § 13.14
- D-3 West Virginia Income Maintenance Manual § 1.2.2.C
- D-4 West Virginia Income Maintenance Manual § 1.2.4

**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 was a recipient of Medicare Premium Assistance (MPA) program benefits.
- 2) The Appellant was required to complete a redetermination of his MPA benefits.
- 3) On June 14, 2024, the Respondent mailed a MREV redetermination form to the Appellant. (Exhibit D-1)
- 4) The Appellant failed to return the redetermination form.
- 5) On June 26, 2024, the Respondent issued a Notice of Decision informing the Appellant that his MPA benefits would terminate effective July 31, 2024 due to his failure to return the redetermination form.

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual § 1.16.10.B documents:

QMB, SLIMB and QI-1 cases are redetermined annually.

- QMB and SLIMB redeterminations are scheduled in the 12th month of eligibility.

West Virginia Income Maintenance Manual § 1.16.10.C documents in pertinent part:

When the redetermination process cannot be completed automatically, a pre-populated form and letter of explanation is generated by the eligibility system and sent to the client. The redetermination form is due by the first day of the 12th month of the certification period or December 1 for QI-1. If the redetermination form is not received by the adverse action date, the AG is issued a notice of closure.

The letter of explanation provides the following information:

- A statement that the AG(s) for the individual(s) listed is due for redetermination;
  - The address to which the form is returned, if submitted by mail;
  - The date by which the redetermination must be submitted;
  - Any verification which must be submitted with the form;
  - A statement that the AG(s) will be closed after advance notice, if the redetermination is not completed;
  - Instructions for submitting the redetermination by online by using WV PATH;
- and,

- A phone number to call if the individual has questions about submitting the redetermination online.

The redetermination may be submitted online by use of WV PATH until the end of the month in which the redetermination is due.

### **DISCUSSION**

On June 26, 2024, the Respondent terminated the Appellant's eligibility for Medicare Premium Assistance (MPA) benefits when the Respondent failed to complete a redetermination form by July 31, 2024. The Respondent must prove by a preponderance of the evidence that it correctly terminated the Appellant's MPA benefits for failure to complete the redetermination process.

The Appellant was required to complete a redetermination for his MPA benefits by July 31, 2024. The Respondent mailed a redetermination form to the Appellant on June 14, 2024, in which the Appellant failed to return the required documentation to the Respondent for a MPA evaluation. The Appellant's failure to complete the MPA redetermination by July 1, 2024, resulted in a termination of his MPA benefits effective July 31, 2024. During the hearing process, the Appellant's representative offered no dispute to the failed return of the redetermination form and offered questions to the Respondent about the completion of an additional redetermination and the remailing of the appropriate redetermination documentation.

Governing policy provides MPA benefits are required to be redetermined in the twelfth month of eligibility. The redetermination is due by the first day of the twelfth month of the certification period. Because the Appellant failed to complete his redetermination for MPA benefits, the Respondent was correct in its decision to terminate benefits effective July 31, 2024.

### **CONCLUSIONS OF LAW**

- 1) MPA benefits are redetermined annually.
- 2) The redetermination form is due by the first day of the twelfth month of the certification period.
- 3) The Appellant was required to complete a redetermination of MPA benefits by July 1, 2024.
- 4) The Appellant failed to complete a redetermination during his certification period.

**DECISION**

It is the decision of the State Hearing Officer to uphold the decision of the Respondent to terminate the Appellant's MPA benefits effective July 31, 2024.

**ENTERED this \_\_\_\_\_ day of September 2024.**

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Eric L. Phillips  
**State Hearing Officer**