



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

Michael J. Lewis, M.D. Ph.D
Cabinet Secretary

March 2, 2011

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held January 13, 2011. Your hearing request was based on the Department of Health and Human Resources' decision to terminate Qualified Child Medicaid due to excessive income.

In arriving at a decision, the State Hearings 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.

Eligibility for the Qualified Child Medicaid Program is based on current policy and regulations. These regulations provide that to be eligible for Qualified Child Medicaid, the income must be at or below 100% of the Federal Poverty Level for the Assistance Group's size (WV Income Maintenance Manual § 10.10 B).

The information submitted at your hearing revealed that your countable income exceeds the income limit to continue receiving Qualified Child Medicaid.

It is the decision of the State Hearings Officer to **Uphold** the action of the Department to terminate Qualified Child Medicaid due to excessive income.

Sincerely,

Kristi Logan
State Hearings Officer
Member, State Board of Review

cc: Chairman, Board of Review
Murriel Hylton, Economic Service Supervisor

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

-----,

Claimant,

v.

Action Number: 10-BOR-2230

**West Virginia Department of
Health and Human Resources,**

Respondent.

DECISION OF STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on January 13, 2011 for ----- . This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources.

II. PROGRAM PURPOSE:

The Program entitled Qualified Child Medicaid is administered by the West Virginia Department of Health & Human Resources.

Qualified Child Medicaid provides coverage to children under the age of 19 whose family income is at or below 100% of the Federal Poverty Level and who are not eligible for SSI Related Medicaid.

III. PARTICIPANTS:

-----, Claimant
Murriel Hylton, Economic Service Supervisor

Presiding at the Hearing was Kristi Logan , State Hearing Officer and a member of the Board of Review.

This hearing was held by videoconference.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether or not the Department's decision to terminate Claimant's Qualified Child Medicaid was correct.

V. APPLICABLE POLICY:

WV Income Maintenance Manual § 10.10 B and Appendix A

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Hearing/Grievance Request Notification
- D-2 Termination Letter dated September 17, 2010
- D-3 WV Income Maintenance Manual § 10.12
- D-4 Hearing Summary
- D-5 Employment Screens from RAPIDS Computer System

Claimants' Exhibits:

None

VII. FINDINGS OF FACT:

- 1) Claimant submitted a Qualified Child Medicaid review form to the local office on August 30, 2010. A termination letter dated September 17, 2010 was issued by the Department which read in pertinent parts (D-2):

Your Qualified Child Medicaid benefits will stop. You will not receive this benefit after September 2010.

Income is more than the income limit for you to receive benefits.

- 2) Murriel Hylton, Economic Service Supervisor, testified to the income that was used in determining eligibility for Claimant's daughter. Claimant's income from employment was derived from her July 2010 paystubs and averaged to a monthly amount of \$1437.10. Claimant's husband, ----, was incorrectly coded as a SSI recipient and his income from employment was not counted nor was he counted as a member of the Assistance Group (AG). However, using by paystubs from July 2010 for ---- to establish a monthly average of \$2184.85 and adding him back to the AG, the household's gross monthly income totaled \$3621.95 (D-6). Ms. Hylton stated the income limit for this program is \$1526.
- 3) Claimant testified that her daughter needs braces and needs Medicaid to cover the cost. Claimant stated WV CHIP will not pay for braces and they cannot afford them. Claimant stated her daughter is a diabetic and has numerous doctors' appointment. Claimant could not understand the closure since her household's income has not changed since the previous year.

4) WV Income Maintenance Manual § 10.10 B(1) states:

If the Income Group has only earned income, and the gross amount is at or below 100% FPL [Federal Poverty Level] plus \$90, for the appropriate Needs Group size, the child is eligible as a QC [Qualified Child Medicaid].

5) WV Income Maintenance Manual Chapter 10 Appendix A states:

Qualified Child Medicaid Limit for an AG of 3: \$1526

VIII. CONCLUSIONS OF LAW:

- 1) Policy dictates that in order to qualify for Qualified Child Medicaid, the gross income must be equal to or below 100% of the Federal Poverty Level for the Assistance Group's size.
- 2) The total countable income for Claimant's household is \$3621.95. This exceeds the income limit of \$1526 for Claimant's daughter to continue receiving Qualified Child Medicaid.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to terminate Claimant's Qualified Child Medicaid.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 2nd day of March 2011

**Kristi Logan
State Hearing Officer
Member, Board of Review**