

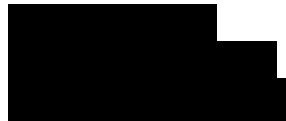


State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

May 28, 2015



RE: [REDACTED] v. WVDHHR
ACTION NO.: 15-BOR-1765

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,

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

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

cc: Jessica Koch, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 15-BOR-1765

**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 May 7, 2015, on an appeal filed March 20, 2015.

The matter before the Hearing Officer arises from the March 18, 2015 decision by the Respondent to terminate the Appellant's Adult Medicaid benefits.

At the hearing, the Respondent appeared by Jessica Koch, Economic Services Supervisor, WVDHHR. The Appellant appeared pro se. Appearing as a witness for the Appellant was her spouse, ██████████. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 West Virginia Income Maintenance Manual Chapter 9.1.A
- D-2 West Virginia Income Maintenance Manual Chapter 10.8.B
- D-3 Medical Assistance Tax Household & Relationships information
- D-4 Unearned income information for Claimant
- D-5 Earned income information for ██████████
- D-6 West Virginia Income Maintenance Manual Chapter 10, Appendix A

Appellant's Exhibits:

- C-1 Claimant's medication list, including cost
- C-2 Letter from ██████████, O.D., dated May 9, 2014
- C-3 Letter from ██████████, ██████████ dated August 5, 2014

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) On March 18, 2015, the Respondent issued notice to the Appellant, informing her of its decision to terminate Modified Adjusted Gross Income (MAGI) Adult Medicaid benefits based on excessive income.
- 2) Jessica Koch, Economic Services Supervisor (ESS) with the Respondent, testified that the Claimant's household income includes her gross monthly Social Security Disability benefits of \$644 (D-4), as well as her spouse, [REDACTED], earned income from [REDACTED]. The Department calculated [REDACTED] gross monthly income as \$1,872.52 at the time of the Medicaid termination (D-5). Total gross household income was determined to be \$2,520.52. ESS Koch indicated that the maximum allowable income for a two-person Assistance Group is \$1,766 for MAGI purposes (133% of the Federal Poverty Level- Exhibit D-6). ESS Koch testified that policy requires an individual's MAGI household to include the applicant/recipient and the spouse if residing with the tax filer.
- 3) The Appellant did not dispute the Department's original income calculation, but [REDACTED] testified that the first checks she received from [REDACTED] were higher than normal because she was in training. She indicated that her pay rates change depending on her specific job duty. Ms. [REDACTED] indicated that the Appellant has numerous medical issues and her medication alone totals around \$1,700 per month (see Exhibit C-1). The Appellant provided Exhibits C-2 and C-3, letters from medical professionals that address her vision problems and her insulin-dependent diabetes.
- 4) The hearing record remained open until May 21, 2015, so that the Appellant's spouse could submit additional pay stubs for a recalculation of income since she did not believe that the previously-submitted pay stubs reflected her income following her initial job training period. ESS Koch informed the Hearing Officer on May 22, 2015 that she had recalculated the income upon receipt of the updated pay information; however, total household income continued to exceed the MAGI Medicaid limit for a two-person Assistance Group by more than \$600 per month.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 9.3.B states that the income of each member of an individual's MAGI Medicaid household is counted when determining income eligibility for the program. Chapter 10.8.B. (D-2) states that the applicant's MAGI household

includes the applicant, each individual they expect to claim as a tax dependent, and their spouse if residing with the tax filer.

West Virginia Income Maintenance Manual Chapter 10, Appendix A states that the gross income limit for a two-person MAGI Medicaid group at 133% of the Federal Poverty Level is \$1,766 per month.

DISCUSSION

Policy states that the income limit for a four-person MAGI Medicaid Group at 133% of the Federal Poverty Level is \$1,766. While it is noted that the Appellant has numerous health issues requiring costly medication, total gross household income was determined to be \$2,520.52 at the time of her Adult Medicaid termination in March 2015. Therefore, the Appellant's household income is excessive for the MAGI Medicaid Program.

CONCLUSIONS OF LAW

The Department acted correctly in proposing termination of the Appellant's MAGI Medicaid benefits based on excessive income.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Department's proposal to terminate Medicaid benefits.

ENTERED this 28th Day of May 2015.

**Pamela L. Hinzman
State Hearing Officer**