



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL

Earl Ray Tomblin
Governor

BOARD OF REVIEW
416 Adams St.
Fairmont, WV 26554

Karen L. Bowling
Cabinet Secretary

September 17, 2015



RE: [REDACTED] v. WVDHHR
ACTION NO.: 15-BOR-2643 (Medicaid) & 15-BOR-2644 (SNAP)

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,

Thomas E. Arnett
State Hearing Officer
Member, State Board of Review

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

cc: Steve Bevins, Supervisor, CSU

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

████████████████████,

Appellant,

v.

**Action Number: 15-BOR-2643 (Medicaid)
15-BOR-2644 (SNAP)**

**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 September 15, 2015, on an appeal filed July 23, 2015.

The matter before the Hearing Officer arises from the June 8, 2015 decision by the Respondent to propose termination of Appellant's benefits provided through the Supplemental Nutrition Assistance Program (SNAP) and Adult Modified Adjusted Gross Income (MAGI) Medicaid benefits.

At the hearing, the Respondent appeared by Customer Services Unit (CSU) Supervisor Steve Bevins. The Appellant appeared pro se. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- Exhibit-1 Notice of termination dated July 8, 2015
- Exhibit-2 Appellant's Unemployment Benefit Payment History for the period of 6/27/15 – 9/6/15
- Exhibit-3 WV Income Maintenance Manual Chapter 10, Appendix A

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) In response to Appellant's report that she began receiving Unemployment Compensation Insurance (UCI) benefits, Respondent notified Appellant on July 8, 2015 (Exhibit-1) that her Supplemental Nutrition Assistance Program (SNAP) and Adult Medicaid benefits would terminate effective July 31, 2015 due to excessive income.
- 2) Respondent's Exhibit-2 reveals that Appellant's weekly UCI amount is \$424. Pursuant to policy, this amount is multiplied by 4.3 ($\$424 \times 4.3$) to determine a monthly average, as Appellant would receive 52 weekly pays in a one-year period. As a result, Appellant's gross monthly income was determined to be \$1,823.20
- 3) Respondent's Exhibit-3 confirms that the maximum allowable gross monthly income for a one-person SNAP Assistance Group (AG) is \$1,265, and the maximum allowable gross monthly income for a one-person Modified Adjusted Gross Income (MAGI) Adult Medicaid AG is \$1,305.
- 4) The Appellant did not dispute Respondent's calculation of her gross income, but argued that her unexpected loss of employment due to her employer's contract not being renewed has created a financial hardship. Appellant indicated that she is grateful for the assistance she has received, and did not intend to remain on assistance, but is unable to manage financially until she secures employment.

APPLICABLE POLICY

The Code of Federal Regulations found at 7 CFR § 273.9 and 7 CFR § 273.10 and the WV Income Maintenance Manual § 10.4.A.4, provide that income is converted to a monthly amount to determine SNAP eligibility and benefit levels. Conversion of income to a monthly amount is accomplished by multiplying an average of the weekly pay amount by 4.3.

Pursuant to the WV Income Maintenance Manual § 10.4.C.1, and the Code of Federal Regulations, gross income is used to determine eligibility when there are no Assistance Group (AG) members who are elderly or disabled. The AG's gross income must be equal to or less than the gross income limit (130% of the Federal Poverty Level) in Appendix A (\$1,265).

WV 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.

West Virginia Income Maintenance Manual Chapter 10, Appendix A indicates that the gross income limit for a one-person MAGI Medicaid group (133% of the Federal Poverty Level) is \$1,305 per month.

DISCUSSION

Regulations that govern Medicaid and SNAP stipulate that the AG's gross monthly income is used to determine eligibility when there are no AG members who are elderly or disabled. The evidence submitted in this case confirms that the Appellant's gross monthly income (\$1,823.20) was correctly calculated and clearly exceeds the gross monthly allowable income limit for a one-person SNAP AG (\$1,265) and a one-person Medicaid AG (\$1,305).

CONCLUSION OF LAW

- 1) The Appellant's gross monthly income (\$1,823.20) clearly exceeds the maximum allowable gross monthly income limit for a one-person SNAP and Medicaid AG. As a result, the Appellant is not eligible for SNAP or Medicaid benefits.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Department's action to terminate Appellant's SNAP and MAGI Medicaid benefits based on excessive gross monthly income.

ENTERED this ____ Day of September 2015.

**Thomas E. Arnett
State Hearing Officer**