



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

Bill J. Crouch  
Cabinet Secretary

BOARD OF REVIEW  
Raleigh County District  
407 Neville Street  
Beckley, WV 25801

Jolynn Marra  
Interim Inspector General

October 2, 2019

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 19-BOR-2108/19-BOR-2109

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,

Kristi Logan  
State Hearing Officer  
Member, State Board of Review

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

cc: Heather Keffer, [REDACTED] County DHHR

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

████████████████████,

**Appellant,**

v.

**Action Number: 19-BOR-2108 SCA  
19-BOR-2109 MED**

**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 October 1, 2019, on an appeal filed July 24, 2019.

The matter before the Hearing Officer arises from the July 19, 2019, decision by the Respondent to deny School Clothing Allowance and the July 25, 2019, decision to terminate Adult Medicaid benefits.

At the hearing, the Respondent appeared by Heather Keffer, Economic Service Supervisor. The Appellant appeared *pro se*. Both witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

D-1 Paystubs from ScanSTAT LP dated May 17, May 31, June 14 and June 28, 2019

**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 applied for School Clothing Allowance (SCA) benefits on July 11, 2019.
- 2) The Respondent determined the Appellant's monthly earned income as \$2,541.87 from paystubs submitted with the SCA application (Exhibit D-1).
- 3) The Respondent issued notice to the Appellant on July 19, 2019 advising that the SCA application was denied due to excessive income.
- 4) The Respondent issued notice to the Appellant on July 25, 2019 advising that based on paystubs submitted with the SCA application, her income was excessive to continue receiving Adult Medicaid benefits.

## **APPLICABLE POLICY**

West Virginia Income Maintenance Manual §3.7.3 states that the Modified Adjusted Gross Income (MAGI) or Adult Medicaid household size includes the federal income tax filer and his or her tax dependents.

West Virginia Income Maintenance Manual §4.7.4 states that eligibility for MAGI Medicaid is determined by using the following steps:

- Step 1: Determine the MAGI-based gross monthly income for each MAGI household income group (IG).
- Step 2: Convert the MAGI household's gross monthly income to a percentage of the Federal Poverty Level (FPL) by dividing the current monthly income by 100% of the FPL for the household size. Convert the result to a percentage. If the result from Step 2 is equal to or less than the appropriate income limit (133% FPL), no disregard is necessary and no further steps are required.
- Step 3: If the result from Step 2 is greater than the appropriate limit, apply the 5% FPL disregard by subtracting five percentage points from the converted monthly gross income to determine the household income.
- Step 4: After the 5% FPL income disregard has been applied, the remaining percent of FPL is the final figure that will be compared against the applicable modified adjusted gross income standard for the MAGI coverage groups.

West Virginia Income Maintenance Manual §4.7.2.B allows the following income deductions for MAGI Medicaid:

- Educator expenses
- Certain business expenses of reservists, performing artists, and fee-basis government officials
- Health savings account deductions
- Moving expenses

- Deductible part of self-employment tax
- Self-employed Simplified Employee Pension (SEP), Savings Incentive Match Plan for Employees (SIMPLE), and qualified plans
- Self-employed health insurance deductions
- Penalty on early withdrawal of savings
- Alimony paid
- IRA deductions
- Student loan interest deductions
- Tuition and fees

West Virginia Income Maintenance Manual Chapter 4 Appendix A lists the income limit for MAGI Medicaid for a three-person assistance group (AG) is \$2,365 (133% FPL).

West Virginia Income Maintenance Manual §19.4.5 states that All WV WORKS income requirements in Chapter 4 apply. No deductions or disregards are applied. For SCA, income eligibility is based only on the month of July, the program month. When income has been previously verified within the last two months, additional income verification is not required. If appropriate, income must be updated in the eligibility system. If the gross non-excluded income is equal to or greater than 100% of the federal poverty level (FPL), the family is ineligible for WVSCA.

West Virginia Income Maintenance Manual Chapter 4 Appendix A lists the income limit for SCA for a three-person AG is \$1,778 (100% FPL).

### **DISCUSSION**

To qualify for Adult Medicaid benefits, the gross monthly income must be below 133% FPL for the size of the income group. The income limit for Adult Medicaid for a three-person income group is \$2,365.

To qualify for SCA benefits, the gross monthly income must be below 100% FPL for the size of the assistance group. The income limit for SCA for a three-person assistance group is \$1,778.

The Respondent calculated the Appellant's gross monthly income as \$2,541.87 based on her paystubs dated June 14 and June 28, 2019. The Respondent noted that based on the year-to-date amounts, the Appellant was consistently receiving overtime pay and was therefore used in determining eligibility.

The Appellant contended that she is no longer receiving the overtime pay that she had been at the time of the SCA application. The Appellant testified that she does not have health insurance available through her employer, and needs Medicaid for ongoing health issues.

Based on the paystubs provided by the Appellant with her application for SCA benefits, the income is excessive for her to receive SCA and to continue receiving Adult Medicaid benefits.

### **CONCLUSIONS OF LAW**

- 1) Pursuant to policy, the income limit for a three-person income group to receive Adult Medicaid benefits is \$2,365.
- 2) The income limit for a three-person assistance group to receive School Clothing Allowance benefits is \$1,778.
- 3) The Appellant's gross earned income is \$2,541.87
- 4) The income is excessive for the Appellant to receive SCA and Adult Medicaid benefits.

### **DECISION**

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to deny the Appellant's application for School Clothing Allowance benefits and to terminate the Appellant's Adult Medicaid benefits.

**ENTERED this 2<sup>nd</sup> day of October 2019.**

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**Kristi Logan**  
**State Hearing Officer**