



**State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
150 Maplewood Avenue
Lewisburg, WV 24901**

**Joe Manchin III
Governor**

**Martha Yeager Walker
Secretary**

March 2, 2006

Dear Ms. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held February 23, 2006. Your hearing request was based on the Department of Health and Human Resources' proposal to terminate benefits under the WV Children's Health Insurance Program (WV CHIP).

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.

Eligibility for the WV Children's Health Insurance Program is based on current policy and regulations. Some of these regulations state as follows: Countable income for WV CHIP is determined by subtracting allowable disregards and deductions from the total gross non-excluded income. The FPL (200%) for the number of people in the Needs Group is used. If countable income is equal to or less than the maximum income levels, the child is income eligible as a WV CHIP child. (Section 17.10F of the West Virginia Income Maintenance Manual)

The information which was submitted at your hearing revealed that your countable income is excessive for WV CHIP.

It is the decision of the State Hearing Officer to uphold the proposal of the Department to terminate benefits under WV CHIP.

Sincerely,

Margaret M. Mann
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Susan Godby, DHHR

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

_____,

Claimant,

v.

Action Number: 05-BOR-6605

**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 February 23, 2006 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. This fair hearing was convened on February 23, 2006 on a timely appeal, filed August 24, 2005. It should be noted that this hearing was originally scheduled for November 22, 2005. It was rescheduled at the request of the claimant to January 5, 2006. It had to be rescheduled a second time to February 23, 2006 because of an illness in the claimant's family.

It should be noted here that the claimant's benefits have been continued pending the hearing decision.

II. PROGRAM PURPOSE:

The Program entitled WV Children's Insurance is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

Medical coverage under the WV Children's Health Insurance Program (**WV CHIP**) is health insurance administered through the Public Employees Insurance Agency (PEIA) with benefits provided by Acordia National for children from age 1 through age 18. WV CHIP is a means-tested insurance program for which the Department determines eligibility and provides information to PEIA for administration.

III. PARTICIPANTS:

_____, Claimant
Susan Godby, Department Hearing Representative

Presiding at the Hearing was Margaret M. Mann, State Hearing Officer and a member of the State Board of Review.

IV. QUESTIONS TO BE DECIDED:

The question to be decided is whether the household continues to meet the financial requirements for the WV CHIP Program.

V. APPLICABLE POLICY:

Section 17.10F of the West Virginia Income Maintenance Manual

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Form IG-BR-29 Hearing/Grievance Record Information
- D-2 Notification letter dated 08/17/05
- D-3 RAPIDS Screens
- D-4 Sections 7.10, 10.11, 10.12 and 7.8D of the West Virginia Income Maintenance Manual
- D-5 Department's Summary

VII. FINDINGS OF FACT:

- 1) A WV CHIP review form was mailed to the office 08/16/05.
- 2) The household consists of three individuals.
- 3) The income was considered as follows: Ms. _____ pay stub reflected \$960 every two weeks. Mr. _____ receives Social Security in the amount of \$1,106.20 and VA in the amount of \$108. Their son receives \$553 per month Social Security. The claimant agreed with the amount of income.
- 4) The income was computed as earned income $\$960 \times 2.15 = \$2,064$ less \$90 disregard = \$1,974. Unearned income totaled \$1,767.20. Total countable net income is \$3,741.20.
- 5) The allowable income level is \$2,682.00.
- 6) A closure notice was sent dated 09/13/05. Reason: The income we count is too much for you to receive benefits. (D-2)

- 7) Ms. _____ agrees with the income the Department considered. They cannot afford to pay the monthly insurance premium her employer offers.
- 8) Section 7.10F of the West Virginia Income Maintenance Manual reads in part that countable income for WV CHIP is determined by subtracting allowable disregards and deductions from the total gross non-excluded income. The net monthly countable income of the Income Group must not exceed the amount shown in Step 5 below and in Appendix A, Chapter 10.

Step 1: Determine the amount of monthly gross non-excluded earned income of the Income Group. Do not include the income of any sibling of the WV CHIP child.

Step 2: Subtract the AFDC Medicaid Standard Work Deduction for each employed person.

Step 3: Subtract the AFDC Medicaid Dependent Care Deduction up to the maximum allowable amounts. Eligibility for and the maximum amounts of the deduction are determined as for AFDC Medicaid.

Step 4: Add the non-excluded gross unearned income of the Income Group. This includes the child's countable child support. Do not include the income of any sibling of the WV CHIP child.

Step 5: The resulting figure is the countable income against which income eligibility is tested.

The FPL (200%) for the number of people in the Needs Group is used. If countable income is equal to or less than the maximum income levels, the child is income eligible as a WV CHIP child.

- 9) Chapter 10, Appendix A of the West Virginia Income Maintenance Manual reads that the FPL for three (3) was \$2682 at the time of the proposed closure. It is now \$2767.

VIII. CONCLUSIONS OF LAW:

- 1) Policy is clear in that the net countable income for WV CHIP is determined by subtracting allowable disregards and deductions from the total gross non-excluded income. The net monthly countable income of the Income Group must not exceed 200% FPL of the Needs Group.
- 2) The countable income is \$3,741.20.
- 3) 200% FPL for 3 was \$2682 at the time of the proposed case closure. It is currently \$2767.
- 4) The claimant has excessive net countable income for WV CHIP.

IX. DECISION:

It is the finding of the State Hearing Officer that the household has excessive net countable income for WV CHIP. The Department is upheld in the decision to terminate the claimant's benefits. The action described in the notification letter dated September 13, 2005 will be taken.

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, 2006.

**Margaret M. Mann
State Hearing Officer**