



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
P.O. Box 970  
Danville, WV 25053

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

June 11, 2007

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Ms. \_\_\_\_\_:

Attached is a copy of the findings of fact and conclusions of law on your hearing held March 28, 2007. Your hearing request was based on the Department of Health and Human Resources' action to deny benefits under the WV Children's Health Insurance Program (WV CHIP) and Expansion Program.

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: When a family's countable income exceeds 200% of the Federal Poverty Level (FPL), but is less than or equal to 220% FPL, the child may qualify for CHIP coverage with a premium payment. (Section 7.14A of the West Virginia Income Maintenance Manual)

The information which was submitted at your hearing revealed that your family's total countable income of \$3180.90 exceeds the 220% FPL for a family of three (3).

It is the decision of the State Hearing Officer to **uphold** the action of the Department to deny benefits under WV CHIP and the Expansion Program.

Sincerely,

Cheryl McKinney  
State Hearing Officer  
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review  
Murriel Hylton, [REDACTED] DHHR

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

\_\_\_\_\_,  
**Claimant,**

**v. Action Number: 07-BOR-847**

**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 March 28, 2007 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 March 28, 2007 on a timely appeal, filed January 4, 2007.

It should be noted here that the claimant's benefits have been denied.

**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  
Murriel Hylton, [REDACTED] DHHR

Presiding at the hearing was Cheryl McKinney, 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 Department was correct in the decision to deny the claimant's application for WV CHIP and Chip Expansion Program due to excessive income.

**V. APPLICABLE POLICY:**

Section 7,14A., E., and Appendix C, Chapter 7 of the West Virginia Income Maintenance Manual

**VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:**

**Department's Exhibits:**

- D-1 IGBR29 for \_\_\_\_\_
- D-2 DFA-FH-1 dated January 4, 2007
- D-3 Denial notification letter dated December 12, 2006
- D-4 Denial notification letter dated February 15, 2007
- D-5 Appendix C, Chapter 7 Income Maintenance Manual Sections
- D-6 Department Summary dated March 28, 2007

**Claimant's Exhibits:**

None

**VII. FINDINGS OF FACT:**

- 1) On November 11, 2006, the claimant applied for a medical card for her daughter under the Qualified Child Medicaid coverage group. The Claimant submitted one pay stub dated October 20, 2006 with her application. The caseworker requested additional pay stubs in order to evaluate Claimant's eligibility for children's medical coverage. Her family's countable income was subsequently determined to be \$3180.90 and over the allowable limits and eligibility was evaluated for WV CHIP.
- 2) The Department admitted during the hearing to having technical difficulties in processing the application for medical assistance, and evidence was presented indicating that the Department indicated verbally to the Claimant in January 2007 that she appeared to meet the guidelines for the WVCHIP Expansion program. A letter dated February 15, 2007 was mailed to the claimant. It reads in part: Your application for the WV Childrens Health Insurance Program (CHIP) has been denied. Here is why: The earned income of \_\_\_\_\_ less the work deduction and the social security income of \_\_\_\_\_ total \$3180.90 and the [sic] exceeds the allowable limit of

\$3040 for the highest level of WV Chips Expansion Program. The Claimant agreed with the countable income the Department used to determine her child's eligibility.

- 3) The Claimant testified that the Department misled her to believe her child would be eligible for medical coverage and this caused her to miss the deadline to add her to her spouse's insurance. She testified she chose not to add her child to available private insurance due to the Department's representative informing her she qualified for medical coverage from the Department. The Claimant also testified she was not notified timely of the denial of benefits.
- 4) The requirements for WV CHIP and WVCHIP Expansion program are outlined in Section 7.14A and E of the West Virginia Income Maintenance Manual. One of these requirements is that when a family's countable income exceeds 200% of the FPL, but is less than or equal to 220% FPL, the child may qualify for CHIP coverage with a premium payment.
- 5) Appendix C, Chapter 7 of the West Virginia Income Maintenance Manual indicates the maximum allowable income for an Assistance Group (AG) of three (3) is \$3044.00.

#### **VIII. CONCLUSIONS OF LAW:**

- 1) Policy provides that Assistance Groups (AG) including three (3) persons is allowed a maximum allowable countable income of \$3044.00 for any form of the WVCHIP program. Claimant's AG countable income is \$3180.90, which is excessive for the WVCHIP and the WVCHIP Expansion Program.
- 2) The Department clearly misled the Claimant in providing verbal information suggesting her child was eligible for the WVCHIP Expansion program, and failed to provide timely notification of denial. The Claimant applied for the program November 11, 2006 and was notified of denial on February 15, 2007.
- 3) The denial of the application is valid. Although the Department failed to provide accurate information and timely notification of denial, policy does not allow for the subsequent denial of eligibility to be overturned.

#### **IX. DECISION:**

It is the finding of the State Hearing Officer that the Department is **upheld** in the decision to deny the claimant's application for WV CHIP and WVCHIP Expansion medical coverage.

#### **X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 11th Day of June 2007**

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**Cheryl McKinney  
State Hearing Officer**