



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
P. O. Box 2590
Fairmont, WV 26555

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

September 29, 2008

Dear Mr. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held September 26, 2008. Your hearing request was based on the Department of Health and Human Resources' action to deny your application for Medicaid Qualifying Individuals (QI-1) benefits.

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 Qualifying Individuals Program is based on current policy and regulations. Some of these regulations state as follows: Countable income is determined by subtracting any allowable disregards and deductions from the total non-excluded gross income. To be eligible for QI-1 coverage, income must be less than or equal to 135 percent of the Federal Poverty Level for the Needs Group size. (West Virginia Income Maintenance Manual Section 10.16)

The information submitted at your hearing reveals that your countable household income is in excess of the maximum allowable income to receive QI-1 benefits.

It is the decision of the State Hearing Officer to **uphold** the action of the Department in denying your application for Medicaid QI-1 benefits based on excessive income.

Sincerely,

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

Pc: Erika H. Young, Chairman, Board of Review
Mark Mancino, ESW, DHHR

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

_____, Jr.,

Claimant,

v.

Action Number: 08-BOR-1918

**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 September 29, 2008 for _____, Jr. 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 September 26, 2008 on a timely appeal filed July 28, 2008.

II. PROGRAM PURPOSE:

The Qualified Medicare Beneficiary Program is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

The Qualified Medicare Beneficiary (QMB), the Specified Low Income Medicare Beneficiary (SLIMB), and the Qualifying Individuals (QI-1) Programs provide limited coverage under the Medicaid Program for eligible individuals or couples who are eligible for Medicare, Part A and who meet specified income tests. The QMB Program has a lower maximum income level and provides coverage of all Medicare co-insurance and deductibles as well as payment of the Medicare premium. SLIMB and QI-1 have higher maximum income levels and provide only for the payment of the Medicare Part B premium.

III. PARTICIPANTS:

_____, Jr.
_____, [REDACTED] Senior Citizens
Mark Mancino, ESW, DHHR

Presiding at the hearing was Thomas E. Arnett, State Hearing Officer and a member of the State Board of Review.

IV. QUESTIONS TO BE DECIDED:

The question(s) to be decided is whether the Department was correct in its decision to terminate the Claimant's QI-1 benefits.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Sections 9.12, 10.3, 10.16, 10.22 and Chapter 10, Appendix A (3/08)

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Department's Hearing Summary
- D-2 Copy of the DFA-QSQ-1, Application for QMB, SLIMB and QI-1.
- D-3 Notice of Decision dated 6/17/08
- D-4 WVIMM, Chapter 10.16
- D-5 Case Comments for period 3/14/08 thru 6/16/08

VII. FINDINGS OF FACT:

- 1) On or about June 17, 2008, the Claimant was notified via a Notice of Decision (D-3) that his application for Medicaid, Qualified Individual I (QI-1), benefits was denied. The reason is as follows:

Action: Your 6/13/08 application for Qualified Individual 1 has been denied.

Reason: Income is more than the net income limit for you to receive benefits.

- 2) As a matter of record, all parties agreed that the Claimant's monthly unearned income amount (total non-excluded income) is \$1195.
- 3) The Department's representative purported that the Claimant is only eligible to received a \$20 unearned income disregard (\$1195-\$20) for the QI-1 Program. The Department indicated that this results in the "net" monthly income amount of \$1175 which is then compared to the maximum allowable income for the QI-1 benefit (\$1170). Because the Claimant's income exceeds the maximum allowable income for a one (1) person Assistance Group (AG), the Department denied the Claimant's QI-1 benefits.
- 4) West Virginia Income Maintenance Manual Section 10.16, B states that countable income for the QI-1 Program is determined by subtracting any allowable disregards and deductions from the total non-excluded income. Allowable disregards and deductions are the SSI disregards/deductions specified in Section 10.22, B. The total monthly countable income is then compared to the QI-1 income level for the appropriate number of persons.
- 5) West Virginia Income Maintenance Manual Section 10.22, B, Unearned Income Disregards and Deductions states: SSI \$20 Disregard: A \$20 Disregard is applied to the total gross unearned income. If unearned income is less than \$20, the remainder is subtracted from earned income, prior to the application of any other earned income disregards and deductions.
- 6) West Virginia Income Maintenance Manual Section 10.3 TTT states that Social Security benefits are considered as unearned income for the QI-1 Program.
- 7) West Virginia Income Maintenance Manual Section 9.12 states that the income limit for a one person group is used when the QI-1 Needs Group consists of only one individual.
- 8) West Virginia Income Maintenance Manual Section 10, Appendix A, indicates that the QI-1 income limit for an AG of 1 is \$1170.

VIII. CONCLUSIONS OF LAW:

- 1) Policy dictates that countable income for the QI-1 Program is determined by subtracting any allowable disregards and deductions from the total gross unearned income. The remaining [net] income is then compared to the QI-1 income limit for the number of individuals in the Needs Group.
- 2) Policy specifies that Social Security benefits are counted as unearned income for the QI-1 program and must be included in the income calculation. The QI-1 income limit for a one (1) person AG is \$1170.

- 3) Total gross income for the Claimant is \$1195 and the only income deduction for which the Claimant qualifies is the \$20 SSI Disregard. Therefore, the Claimant's total countable [net] income is \$1175 – five (5) dollars in excess of the maximum allowable countable income.
- 4) Whereas countable household income exceeds the maximum allowable income for the QI-1, the Department acted correctly in denying the Claimant's application for QI-1 benefits.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the action of the Agency in denying the Claimant's application for QI-1 benefits.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 29th Day of September, 2008.

**Thomas E. Arnett
State Hearing Officer**