



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

Earl Ray Tomblin
Governor

BOARD OF REVIEW
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July 8, 2016



RE: [REDACTED] v. WV DHHR
ACTION NO.: 16-BOR-1718

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,

Stephen M. Baisden
State Hearing Officer
Member, State Board of Review

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

cc: Janee Scott, Economic Service Supervisor

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

██████████,

Appellant,

v.

ACTION NO.: 16-BOR-1718

**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' (WV DHHR) Common Chapters Manual. This fair hearing was convened on July 7, 2016, on an appeal filed April 18, 2016.

The matter before the Hearing Officer arises from the Respondent's termination of Appellant's eligibility for Medicaid Work Incentive (MWIN).

At the hearing, the Respondent appeared by Representative Janee Scott, Economic Service Supervisor. The Appellant appeared *pro se*. Both participants were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Letter from Department to Appellant, dated April 8, 2016
- D-3 Medicaid Work Incentive Computation Sheet, dated April 8, 2016
- D-4 WV Income Maintenance Manual (WV IMM), Chapter 10, Appendix A
- D-5 WV IMM, Chapter 23, §23.10.E

Appellant's Exhibits:

- A-1 Letter from ██████████, MD, dated June 30, 2016
- A-2 Letter from ██████████, WV House of Delegates, dated June 10, 2016
- A-3 Appellant's Wage and Tax Statement (W-2) for 2015

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence, 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 was a recipient of Medicaid Work Incentive (MWIN). On February 23, 2016, she began receiving Social Security Retirement Survivors Disability Insurance (RSDI) benefits in the amount of \$1323 per month.
- 2) On April 8, 2016, the Appellant's case worker completed an MWIN computation sheet (Exhibit D-3) wherein she calculated that this unearned income was excessive for the Appellant to remain eligible for the program.
- 3) On April 8, 2016, the Department sent the Appellant a letter (Exhibit D-1) informing her that her eligibility for the MWIN program would end due to excessive income.

APPLICABLE POLICY

The WV DHHR Income Maintenance Manual (IMM) Chapter 10, §10.3.UUU, states that RSDI benefits are counted as unearned income for all Medicaid programs.

WV DHHR IMM Chapter 23, §23.10.E, states that the first part of the test to determine if an MWIN applicant is eligible for the coverage program is the unearned income test. If the applicant fails this test, he or she is ineligible for MWIN. According to §23.10.E, the test is as follows:

Step 1: Determine the amount of non-excluded unearned income.

Step 2: Subtract the \$20 SSI Disregard.

Step 3: Compare the remainder to the current SSI payment for one person.

If the remainder exceeds the SSI payment, the individual is ineligible and no additional calculations are required.

WV DHHR IMM Chapter 10, Appendix A states that the current SSI payment for one person is \$733 per month.

DISCUSSION

The Appellant testified that she was not informed her RSDI income could result in her losing her MWIN Medicaid benefits. She testified that if she had known this, she would not have accepted the income because keeping medical insurance was very important to her. She submitted a written statement from her physician (Exhibit A-1) describing some of her health problems, and she stated that she could not afford to pay the costs for her medical treatment from her own financial resources.

The Appellant did not dispute that she began receiving RSDI income in the amount of \$1323 per month in February 2016. According to the unearned income test listed in the section above, \$20 is subtracted from the Appellant's \$1323 per month income. The result, \$1303 is compared to

the current monthly SSI amount of \$733 per month. Since the Appellant's RSDI income less the \$20 disregard is higher than the monthly SSI amount, her income is excessive to receive MWIN Medicaid. The Department acted correctly to discontinue the Appellant's eligibility for Medicaid Work Incentive (MWIN).

CONCLUSION OF LAW

The Appellant's monthly unearned income, \$1323 per month, is excessive for Medicaid Work Incentive (MWIN). The Department acted correctly to discontinue the Appellant's eligibility for MWIN benefits, pursuant to WV DHHR IMM §23.10.E, Chapter 10, §10.3.UUU and Chapter 10, Appendix A.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Department's decision to discontinue the Appellant's eligibility for Medicaid Work Incentive (MWIN).

ENTERED this 8th Day of July 2016.

Stephen M. Baisden
State Hearing Officer