



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
1400 Virginia Street
Oak Hill, WV 25901

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

June 29, 2017

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-1965

Dear Mr. [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: Holly Edwards, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 17-BOR-1965

**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 June 29, 2017, on an appeal filed May 19, 2017.

The matter before the Hearing Officer arises from the May 10, 2017, decision by the Respondent to terminate the Appellant's Medicaid Work Incentive (M-WIN) benefits.

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

Department's Exhibits:

None

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 was a recipient of W-MIN benefits.
- 2) The Appellant completed an eligibility review in May 2017.
- 3) The Respondent notified the Appellant that his M-WIN benefits would be terminated effective May 31, 2017, as his monthly gross unearned income exceeded the allowable program limits.
- 4) The Appellant receives \$715 monthly in Social Security benefits and a pension of \$89.08 monthly.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §23.10(E)(1) states that eligibility is determined in a two-part process. The first step is the unearned income test. If the client fails this test, he is ineligible.

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 1 person.

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

West Virginia Income Maintenance Manual Chapter 10 Appendix A lists the maximum SSI payment level for one (1) person as \$735.

DISCUSSION

To be eligible for M-WIN benefits, an individual must first meet the unearned income test. The total monthly gross unearned income, minus the \$20 SSI disregard deduction, cannot exceed the current SSI payment amount for one (1) person.

The Appellant's total monthly gross unearned income of \$804.08, minus the \$20 SSI disregard deduction, equals \$784.08. This amount exceeds the maximum SSI payment level of \$735.

The Respondent contended that although the Appellant began receiving Social Security in 2016, the income was not added to his case until his most recent eligibility review in May 2017.

The Appellant does not meet the income guidelines to continue receiving M-WIN benefits.

CONCLUSIONS OF LAW

- 1) An individual's total monthly gross unearned income, minus the \$20 SSI disregard deduction, cannot exceed the current SSI payment amount for one (1) person and receive Medicaid Work Incentive benefits.
- 2) The Appellant's total monthly countable unearned income, after deductions, is \$784.08.
- 3) The maximum monthly SSI payment amount for one (1) person is \$735.
- 4) The Appellant's income exceeds the allowable limit as set forth in policy to continue receiving Medicaid Work Incentive benefits.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to terminate the Appellant's Medicaid Work Incentive benefits.

ENTERED this 29th day of June 2017

**Kristi Logan
State Hearing Officer**