



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Bill J. Crouch
Cabinet Secretary

Jolynn Marra
Interim Inspector General

June 28, 2019



RE: [REDACTED] v. WVDHHR
ACTION NO.: 19-BOR-1563 and 19-BOR-1762

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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

cc: Kimberly Vance, WVDHHR

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

████████████████████,

Appellant,

v.

Action Numbers: 19-BOR-1563 & 19-BOR-1762

**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 convened on June 18, 2019, on appeals filed on April 11, 2019 and May 21, 2019.

The matters before the Hearing Officer arise from the Respondent's denial of Qualified Medicare Beneficiary (QMB) and SSI-Related Medicaid benefits.

It should be noted that the Appellant's April 11, 2019 hearing request concerning QMB benefits, 19-BOR-1563, had previously been dismissed in an Order of Abandonment dated May 16, 2019. However, in consideration of the Appellant's motion to be heard on the issue and with no objection from the Respondent, the Hearing Officer vacates the May 16, 2019 Order of Abandonment and the Appellant is granted a good cause determination for failing to appear at the QMB hearing originally scheduled on May 8, 2019.

At the hearing, the Respondent appeared by Kimberly Vance, Economic Services Supervisor, WVDHHR. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Medicaid application received on April 15, 2019
- D-2 Case Comments dated April 16, 2019
- D-3 Verification checklist dated April 16, 2019
- D-4 West Virginia Income Maintenance Manual Chapter 4.14.4.J.2
- D-5 Notice of Decision dated May 16, 2019
- D-6 Data Exchange- SSA Benefit Details
- D-7 West Virginia Income Maintenance Manual Chapter 4.12

- D-8 West Virginia Income Maintenance Manual Chapter 4, Appendix A
- D-9 SSI-Related Medicaid Income Budget information
- D-10 Notice of Decision dated April 4, 2019
- D-11 Medicare Buy-In Program application received on March 20, 2019
- D-12 Data Exchange- SSA Benefit Details
- D-13 West Virginia Income Maintenance Manual Chapter 4.12.1
- D-14 Case Comments from May 2014

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 applied for Qualified Medicare Beneficiary (QMB) Medicaid benefits on March 20, 2019 (D-11).
- 2) The Respondent determined that the Appellant's gross monthly unearned income was \$1,067 (D-6 and D-12). This includes \$988 in Social Security benefits and \$79 in Social Security widow's benefits. After allowable deductions, the Appellant's countable gross monthly unearned income was \$1,047. The Respondent determined that \$50 is being withheld from the Appellant's Social Security benefits as the result of an overpayment.
- 3) The Respondent determined that the Appellant's countable household income exceeded the \$1,041 income limit for QMB benefits for a one-person Assistance Group. Therefore, the Appellant was approved for Specified Low Income Medicare Beneficiary (SLIMB) benefits, which has an income eligibility range of \$1,042 to \$1,249 for a one-person Assistance Group (D-8).
- 4) The Appellant was notified of the QMB application denial in a Notice of Decision dated April 4, 2019 (D-10).
- 5) The Appellant applied for SSI-Related Medicaid benefits on April 15, 2019 (D-1).
- 6) The Respondent sent the Appellant a Verification Checklist (D-3) on April 16, 2019, informing him that he must meet a spenddown of \$5,083.79 before he could receive SSI-Related Medicaid benefits. In the letter, the Appellant was advised to supply medical bills to the Respondent within 30 days to establish Medicaid eligibility.
- 7) The Appellant failed to provide medical bills to meet a spenddown within 30 days.
- 8) The Respondent sent the Appellant a Notice of Decision on May 16, 2019 (D-5), informing him that his SSI-Related Medicaid application was denied.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 4.3.1 states that Social Security benefits are countable sources of income for the QMB and SSI-Related Medicaid Programs.

West Virginia Income Maintenance Manual Chapter 4.12.1 (D-7) states that countable income for the QMB Program is determined by subtracting any allowable disregards and deductions from the total gross income. Total countable income is calculated by subtracting the appropriate disregards and deductions. For QMB benefits, income must be less than or equal to 100 percent of the Federal Poverty Level.

West Virginia Income Maintenance Manual Chapter 4.14.2.B.1 states that a \$20 SSI Disregard is applied to the total gross unearned income for QMB purposes.

West Virginia Income Maintenance Manual Chapter 4, Appendix A (D-8) states that the income limit for QMB is \$1,041 per month for a one-person Assistance Group.

West Virginia Income Maintenance Manual Chapter 4.14.4.J.1 states that an SSI-Related Medicaid application is denied when an applicant indicates there are no medical bills or anticipated medical expenses in the 30-day application period that may be used to meet the spenddown for the Medicaid AG member(s).

West Virginia Income Maintenance Manual Chapter 4.14.4.G.2 states that all withheld unearned income is counted for Medicaid purposes unless an amount is being withheld to repay income that was previously used to determine Medicaid eligibility.

DISCUSSION

Policy states that the income limit for QMB is \$1,041 for a one-person Assistance Group. Policy also requires that an SSI-Related Medicaid application be denied when no medical bills or anticipated medical expenses are submitted in the 30-day application period to meet a spenddown.

The Appellant's total gross monthly unearned income is \$1,067. With the \$20 SSI Disregard, the Appellant's countable unearned income is \$1,047. Therefore, his income exceeds the income limit for QMB benefits. The Respondent's representative indicated that \$50 is withheld from the Appellant's Social Security check due to an overpayment. However, there is no policy provision allowing an income deduction for a Social Security repayment when calculating an individual's gross income for QMB and SSI-Related Medicaid purposes unless the amount is being withheld to repay income that was previously used to determine Medicaid eligibility. No evidence was provided to indicate that the amount deducted from the Appellant's Social Security benefits is to repay income previously used to determine Medicaid eligibility.

The Appellant testified that he was approved for QMB benefits in 2014 and does not know why his QMB application was denied. The Respondent's witness testified that case comments state the Appellant's widow's benefits were pending at the time of the 2014 application and were not counted when he applied for QMB benefits in 2014.

In regard to SSI-Related Medicaid, the Appellant testified that he owes around \$12,000 in medical bills to a hospital in [REDACTED] and has additional bills from a hospital in [REDACTED]. He stated that he has requested a copy of the bills, but has not received them.

CONCLUSIONS OF LAW

- 1) Policy states that the income limit for QMB benefits for a one-person Assistance Group is \$1,041.
- 2) The Appellant's total countable income after allowable deductions is \$1,047.
- 3) The Appellant's countable income is excessive for the QMB Program.
- 4) An SSI-Related Medicaid application is denied when no medical bills or anticipated medical expenses are submitted in the 30-day application period to meet a spenddown.
- 5) The Appellant was required to meet a spenddown of \$5,083.79 and submitted no medical bills within the 30-day application period.
- 6) The Appellant's SSI-Related Medicaid application was appropriately denied in accordance with policy.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Respondent's denial of the Appellant's QMB and SSI-Related Medicaid applications.

ENTERED this 28th Day of June 2019.

Pamela L. Hinzman
State Hearing Officer

