



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of the Inspector General
Board of Review**

**Jeffrey H. Coben, MD
Interim Cabinet Secretary**

**Sheila Lee
Interim Inspector General**

April 13, 2023

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 23-BOR-1395

Dear [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: Summer McCann, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 23-BOR-1395

**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 April 5, 2023.

The matter before the Hearing Officer arises from the February 28, 2023 decision by the Respondent to deny Medicaid benefits.

At the hearing, the Respondent appeared by Summer McCann, Economic Service Worker, WVDHHR. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

D-1 Pay stubs for ██████████

D-2 Pay stubs for ██████████

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 applied for Modified Adjusted Gross Income (MAGI) adult Medicaid benefits on December 30, 2022, and requested that the benefits be backdated.
- 2) The Respondent notified the Appellant on February 28, 2023, that her Medicaid application was denied based on excessive income.
- 3) In calculating countable income, the Respondent considered the Appellant's average household income for the months of October 2022 through January 2023.
- 4) The Respondent calculated the Appellant's average monthly gross income as \$2,842.04 for the four-month period, and the Appellant's husband's gross income as \$7,089.97 per month.
- 5) The Respondent erred in calculating the Appellant's gross income for January 2023. By considering the computation error, the Appellant's average gross monthly income was \$2,790.18. Therefore, countable household income was \$9,880.15 per month.
- 6) The income limit for MAGI Medicaid is \$3,325 for a four-person household.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 3.7.3 states, in pertinent part:

The needs group is the number of individuals included in the Modified Adjusted Gross Income (MAGI) household size based upon the MAGI rules for counting household members.

The applicant's MAGI household includes themselves, each individual he expects to claim as a tax dependent, and his spouse if residing with the tax filer.

West Virginia Income Maintenance Manual Chapter 23.10.4 states, in pertinent part:

As a result of the Affordable Care Act (ACA), the Adult Group was created, effective January 1, 2014. Eligibility for this group is determined using MAGI methodologies established in Section 4.7. Medicaid coverage in the Adult Group is provided to individuals who are aged 19 or older and under age 65.

To be eligible for the Adult Group, income must be equal to or below 133% of the Federal Poverty Level (FPL).

West Virginia Income Maintenance Manual Chapter 4, Appendix A, states, in pertinent part:

For a four-person Assistance Group, 133% of the FPL is \$3,325.

DISCUSSION

To qualify for MAGI Medicaid, policy states that countable income must be equal to or below 133% of the Federal Poverty Level for the needs group size.

The Appellant did not dispute the Respondent's income determination, but testified that she was diagnosed with Thrombotic Thrombocytopenic Purpura, which is a chronic medical condition. As a result, she has had several hospitalizations, blood transfusions, plasma procedures, maintenance care, and infusions. The Appellant stated that she is a wife, mother, and pre-school teacher, and that her family receives no public assistance or no charity care assistance from medical facilities. She indicated that she is applying for the Medicaid Work Incentive Network (M-WIN) Program, which would help her situation, but requires a monthly premium payment. This would bring her monthly medical expenses to \$875 per month. The Appellant testified that she is drowning in medical debt and only needs Medicaid for a short time so that she can get her head above water. The Appellant stated that she receives low earnings in the summertime and that her husband's income is based on commission.

While the Appellant's struggle with medical bills stemming from her chronic diagnosis is noted, her household income is excessive for the MAGI Medicaid Program.

CONCLUSIONS OF LAW

- 1) The Appellant applied for MAGI Medicaid based on a four-person needs group.
- 2) The gross income limit for MAGI Medicaid for a four-person needs group is \$3,325.
- 3) The average earned income for the Appellant's household is \$9,880.15 per month.
- 4) The Appellant's household income is excessive for MAGI Medicaid.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Respondent's action to deny MAGI Medicaid benefits based on excessive income.

ENTERED this 13th day of April 2023.

**Pamela L. Hinzman
State Hearing Officer**