



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

**Sherri A. Young, DO, MBA, FAAFP  
Interim Cabinet Secretary**

**Sheila Lee  
Interim Inspector General**

July 19, 2023



RE: [REDACTED] v. WVDHHR  
Action No.: 23-BOR-2021

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,

Eric L. Phillips  
State Hearing Officer  
Member, State Board of Review

Encl: Recourse to Hearing Decision  
Form IG-BR-29

cc: Richard Griffey, WVDHHR

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

██████████,

**Appellant,**

v.

**Action Number: 23-BOR-2021**

**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 July 19, 2023, on an appeal filed June 22, 2023.

The matter before the Hearing Officer arises from the June 15, 2023 decision by the Respondent to terminate the Appellant's benefits through the Medicaid program.

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

**Department's Exhibits:**

D-1 Notice of Decision dated June 15, 2023

**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 Medicaid assistance.
- 2) The Appellant resides in a two-person household, which includes herself and her son.
- 3) The Appellant is employed through [REDACTED] Schools.
- 4) The Respondent was prohibited from terminating Medicaid coverage during the COVID-19 public health emergency.
- 5) Recertifications for Medicaid coverage were not required during the COVID-19 public health emergency.
- 6) Medicaid recertifications were reinstituted on April 1, 2023.
- 7) The Appellant completed a recertification for Medicaid benefits in June 2023.
- 8) On June 15, 2023, the Respondent issued a Notice of Decision informing the Appellant that her eligibility for Medicaid assistance would terminate effective July 1, 2023 because her income exceeds the income limit for the Medicaid program.
- 9) The Appellant's countable monthly gross income was \$3302.25.
- 10) The income limit for Medicaid assistance for a two-person household is \$2186.00.

### **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 4.7.1

Income of each member of the individual's MAGI household is counted.

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

For a two-person Assistance Group, 133% of the FPL is \$2,186.

### **DISCUSSION**

Eligibility for Medicaid assistance is established when a household's countable income is equal to or below 133% of the Federal Poverty Level for the appropriate needs group size.

In June 2023, the Appellant completed a Medicaid redetermination based on the income criteria for a two-person household. The Respondent determined that the household's countable income for a needs group size of two exceeded the limits set forth by policy and terminated the Appellant's eligibility for Medicaid effective June 30, 2023. The Respondent must prove by a preponderance of the evidence that the household's countable income exceeded 133% of the Federal Poverty Level.

Richard Griffey, Economic Service Supervisor, testified that the Respondent utilized the Appellant's monthly employment income in the amount of \$3302.25 to determine her ongoing financial eligibility for Medicaid assistance. Mr. Griffey indicated that the Appellant's monthly gross income exceeded the limit of \$2186.00 or 133% of the Federal Poverty Level, which prompted the Medicaid termination.

The Appellant offered no dispute to the income utilized in determining her financial eligibility and inquired with the Respondent of any alternative coverage options for medical assistance due to the expense of medical insurance coverage through her employer.

Because the Appellant's household income exceeds the 133% Federal Poverty Level amount for a two-person household of \$2186.00, the decision of the Respondent to terminate the Appellant's Medicaid assistance is affirmed.

### **CONCLUSIONS OF LAW**

- 1) The Appellant's Medicaid is based on a two-person needs group.
- 2) The income limit for Medicaid for a two-person needs group is \$2186.00.
- 3) The household's earned income is determined to be \$3302.25.
- 4) The Appellant's household income exceeds 133% of the Federal Poverty Level for a two-person household.

**DECISION**

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

**ENTERED this \_\_\_\_\_ day of July 2023.**

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Eric L. Phillips  
**State Hearing Officer**