



**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 26, 2023

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 23-BOR-2147

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,

Kristi Logan
Certified State Hearing Officer
Member, State Board of Review

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

cc: Andrew Adkins, [REDACTED] DHHR

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

[REDACTED]

Appellant,

v.

Action Number: 23-BOR-2147

**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 [REDACTED]. 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 25, 2023, on an appeal filed July 15, 2023.

The matter before the Hearing Officer arises from the June 27, 2023, decision by the Respondent to terminate the Appellant's Qualified Medicare Beneficiary (QMB) benefits.

At the hearing, the Respondent appeared by Andrew Adkins, Economic Service Worker. The Appellant was self-represented. The witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

None

Appellant's Exhibits:

A-1 Letter from [REDACTED], DO dated May 23, 2023

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 QMB benefits.
- 2) The Appellant underwent an eligibility review for SNAP benefits in June 2023.
- 3) The Appellant's Social Security income of \$1,250 was updated in the Appellant's case.
- 4) The Respondent issued a notice of termination on June 27, 2023, advising that her income was excessive to continue receiving QMB benefits.
- 5) Specified Low Income Medicare Beneficiary (SLIMB) benefits were approved effective August 1, 2023.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §4.12 explains income eligibility for QMB, SLIMB and QI (Qualified Individual) Medicare Premium Assistance groups:

4.12.1 Determining Eligibility

Countable income is determined as follows:

Step 1: Determine the total countable gross unearned income and subtract the appropriate disregards and deductions.

Step 2: Determine the total countable gross earned income and subtract the appropriate disregards and deductions.

Step 3: Add the results from Step 1 and Step 2 to achieve the total monthly countable income.

Step 4: Compare the amount in Step 3 to the QMB, SLIMB, or QI-1 income levels for the appropriate number of persons.

If the amount is less than or equal to the QMB, SLIMB, or QI-1 income levels, the client(s) is eligible. Eligibility for these coverage groups is determined as follows:

QMB	Income is less than or equal to 100% FPL (federal poverty level).
SLIMB	Income is greater than 100% FPL, but less than or equal to 120% FPL
QI-1	Income is greater than 120% FPL, but less than or equal to 135% FPL

Chapter 4 Appendix A: Income Limits

100% FPL	\$1,133
120% FPL	\$1,359
135% FPL	\$1,507

DISCUSSION

Policy stipulates that an individual's gross monthly income must be at or below 100% FPL for the size of the assistance group, to qualify for QMB benefits. The income limit for a one-person assistance group for QMB is \$1,133. The Respondent terminated the Appellant's QMB benefits due to excessive income and opened SLIMB benefits effective August 1, 2023.

The Appellant did not dispute that her gross monthly income is \$1,250 but contended that she is only slightly over the income limit and requested that an exception be made in her case. The Appellant testified that she has had multiple medical problems in the last year, and it is a difficult time to lose the QMB coverage.

All individuals are required to meet the income limits as set forth in policy and the Board of Review lacks the authority to make exceptions to policy or waive income limits. Whereas the Appellant's income is excessive to continue receiving QMB benefits, the Respondent's decision to approve SLIMB benefits is affirmed.

CONCLUSIONS OF LAW

- 1) The income limit for a one-person assistance group to receive QMB benefits is \$1,133.
- 2) The Appellant's gross monthly income is \$1,250.
- 3) The Appellant's income is excessive to continue receiving QMB benefits.
- 4) The income limit for SLIMB benefits is \$1,359.
- 5) The Appellant is eligible to receive SLIMB benefits.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to terminate the Appellant's Qualified Medicare Beneficiary benefits and approve Specified Low Income Beneficiary benefits.

ENTERED this 26th day of July 2023.

Kristi Logan
Certified State Hearing Officer