



**STATE OF WEST VIRGINIA  
OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW**

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

**Christopher G. Nelson**  
**Interim Inspector General**

Esta es la decision de su Audiencia Imparcial. La decision del  
Departamento ha sido confirmada/invertido/remitido. Si usted  
tiene preguntas, por favor llame a 304-267-0100

February 16, 2024

[REDACTED]

RE: [REDACTED] v. WV DoHS  
ACTION NO.: 24-BOR-1103 & 24-BOR-1104

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 Human Services. These same laws and regulations are used in all cases to ensure 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,

Lori Woodward, J.D.  
Certified State Hearing Officer  
Member, State Board of Review

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

cc: Barbara Bolinger, WV DoHS, BFA

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW**

██████████,

**Appellant,**

**v.**

**Action Number: 24-BOR-1103  
24-BOR-1104**

**WEST VIRGINIA DEPARTMENT OF  
HEALTH SERVICES  
BUREAU FOR FAMILY ASSISTANCE**

**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 Office of Inspector General Common Chapters Manual. This fair hearing was convened on February 13, 2024.

The matter before the Hearing Officer arises from the January 2, 2024 decision by the Respondent to terminate the Appellant's Adult Medicaid benefits and the Respondent's determination regarding Supplemental Nutrition Assistance Program (SNAP) benefit application.

At the hearing, the Respondent appeared by Barbara Bolinger, Economic Service Supervisor. The Appellant appeared *pro-se*. Appearing as a witness for the Appellant was ██████████. The witnesses were placed under oath and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Copies of November 13 and 27, 2023 pay statements
- D-2 Copies of eligibility confirmation page, SNAP Budget, and MAGI Medicaid Income Budget eRAPIDS screens
- D-3 WV Income Maintenance Manual, Chapter 4 excerpt
- D-4 WV Income Maintenance Manual, Chapter 4, Appendix A

**Appellant's Exhibits:**

- A-1 Handwritten letter dated January 31, 2024; copy of the January 17, 2024 Scheduling Order cover letter; 2022 and 2023 Form W-2 Wages and Tax Statement; Citizens March 22, 2023 Installment Loan Statement; car insurance payment information

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 Adult Medicaid benefits through the COVID-19 Public Health Emergency (PHE).
- 2) On December 11, 2023, the Appellant applied for SNAP benefits for an assistance group (AG) of one.
- 3) The Appellant submitted his bi-weekly pay statements for the month of November 2023 which was calculated by the Respondent to be \$1,917.86 monthly gross income (GI). (Exhibit D-1)
- 4) The November 13 and 27, 2023 pay statements showed a GI income of \$465.11 and \$500.59, respectively, which when converted to a monthly amount, equals  $\$965.70 \times 2.15 = \$2,076.26$ . (Exhibit D-1)
- 5) On January 2, 2024, the Respondent issued a Notice of Decision informing the Appellant that he was approved to receive \$23 per month, but no prorated benefits for the month of application.
- 6) On January 2, 2024, the Respondent issued a Notice of Decision informing the Appellant that his Adult Medicaid benefits would stop after January 31, 2024 due to being over the allowable income limit for eligibility.

### **APPLICABLE POLICY**

Families First Coronavirus Response Act (FFCRA) and Fiscal Year (FY) 2023 Omnibus Appropriations Bill permitted the Respondent to provide continuous coverage to Medicaid recipients during the declared public health emergency (PHE). The Medicaid continuous enrollment ended on April 1, 2023.

**Code of Federal Regulations Title 42 §435.603** explains the application of Modified Adjusted Gross Income:

**(a) Basis, scope, and implementation.**

- (1) This section implements section 1902(e)(14) of the [Act](#).
- (2) Effective January 1, 2014, the agency must apply the financial methodologies set forth in this section in determining the financial eligibility of all individuals for Medicaid, except for individuals identified in paragraph (j) of this section and as provided in paragraph (a)(3) of this section.

**(b) Definitions.** For purposes of this section—

*Code* means the Internal Revenue Code.

**(d) Household income - (1) General rule.** Except as provided in paragraphs (d)(2) through (d)(4) of this section, household income is the sum of the MAGI-based income, as defined in paragraph (e) of this section, of every individual included in the individual's household.

**(e) MAGI-based income.** For the purposes of this section, MAGI-based income means income calculated using the same financial methodologies used to determine modified adjusted gross income as defined in section 36B(d)(2)(B) of the Code, with the following exceptions—

**(1)** An amount received as a lump sum is counted as income only in the month received.

**(2)** Scholarships, awards, or fellowship grants used for education purposes and not for living expenses are excluded from income.

**(3) American Indian/Alaska Native exceptions.** The following are excluded from income:

**(i)** Distributions from Alaska Native Corporations and Settlement Trusts;

**(ii)** Distributions from any property held in trust, subject to Federal restrictions, located within the most recent boundaries of a prior Federal reservation, or otherwise under the supervision of the Secretary of the Interior;

**(iii)** Distributions and payments from rents, leases, rights of way, royalties, usage rights, or natural resource extraction and harvest from—

**(A)** Rights of ownership or possession in any lands described in paragraph (e)(3)(ii) of this section; or

**(B)** Federally protected rights regarding off-reservation hunting, fishing, gathering, or usage of natural resources;

**(iv)** Distributions resulting from real property ownership interests related to natural resources and improvements—

**(v)** Payments resulting from ownership interests in or usage rights to items that have unique religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional lifestyle according to applicable Tribal Law or custom;

**(vi)** Student financial assistance provided under the Bureau of Indian Affairs education programs.

Internal Revenue Service Publication 525 explains certain taxable income:

***Code of Federal Regulations – 7 CFR §273.9:***

**(a) Income eligibility standards.** Participation in SNAP shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for SNAP. Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for SNAP. Households which are categorically eligible do not have to meet either the gross or net income eligibility standards.

**(1)** The gross income eligibility standards for SNAP shall be as follows:

**(i)** The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia.

- (2) The net income eligibility standards for SNAP shall be as follows:
- (i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be the Federal income poverty levels for the 48 contiguous States and the District of Columbia.
  - (3) The income eligibility limits, as described in this paragraph, are revised each October 1 to reflect the annual adjustment to the Federal income poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii.
  - (i) 130 percent of the annual income poverty guidelines shall be divided by 12 to determine the monthly gross income standards, rounding the results upwards as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is multiplied by 130 percent, divided by 12, and the results rounded upward if necessary.
  - (ii) The annual income poverty guidelines shall be divided by 12 to determine the monthly net income eligibility standards, rounding the results upward as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is divided by 12, and the results rounded upward if necessary.
  - (d) **Income deductions.** Deductions shall be allowed only for the following household expenses:
    - (1) **Standard deduction** —
      - (i) Effective October 1, 2002, in the 48 States and the District of Columbia, Alaska, Hawaii, and the Virgin Islands, the standard deduction for household sizes one through six shall be equal to 8.31 percent of the monthly net income eligibility standard for each household size established under [paragraph \(a\)\(2\)](#) of this section rounded up to the nearest whole dollar. For household sizes greater than six, the standard deduction shall be equal to the standard deduction for a six-person household.
    - (2) **Earned income deduction.** Twenty percent of gross earned income as defined in [paragraph \(b\)\(1\)](#) of this section. Earnings excluded in [paragraph \(c\)](#) of this section shall not be included in gross earned income for purposes of computing the earned income deduction, except that the State agency must count any earnings used to pay child support that were excluded from the household's income in accordance with the child support exclusion in [paragraph \(c\)\(17\)](#) of this section.
    - (3) **Excess medical deduction.** That portion of medical expenses in excess of \$35 per month, excluding special diets, incurred by any household member who is elderly or disabled as defined in [§271.2](#). Spouses or other persons receiving benefits as a dependent of the SSI or disability and blindness recipient are not eligible to receive this deduction but persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction.
    - (4) **Dependent care.** Payments for dependent care when necessary for a household member to search for, accept or continue employment, comply with the employment and training requirements as specified under [§273.7\(e\)](#), or attend training or pursue education that is preparatory to employment, except as provided in [§273.10\(d\)\(1\)\(i\)](#). Costs that may be deducted are limited to the care of an individual for whom the household provides dependent care, including care of a child under the age of 18 or an incapacitated person of any age in need of care. The costs of care provided by a relative may be deducted so long as the relative

providing care is not part of the same SNAP household as the child or dependent adult receiving care. Dependent care expenses must be separately identified, necessary to participate in the care arrangement, and not already paid by another source on behalf of the household.

5) ***Optional child support deduction.*** At its option, the State agency may provide a deduction, rather than the income exclusion provided under [paragraph \(c\)\(17\)](#) of this section, for legally obligated child support payments paid by a household member to or for a non-household member, including payments made to a third party on behalf of the non-household member (vendor payments) and amounts paid toward child support arrearages. Alimony payments made to or for a non-household member shall not be included in the child support deduction.

(6) ***Shelter costs*** —

(i) ***Homeless shelter deduction.*** A State agency may provide a standard homeless shelter deduction of \$143 a month to households in which all members are homeless individuals but are not receiving free shelter throughout the month. The deduction must be subtracted from net income in determining eligibility and allotments for the households.

(ii) ***Excess shelter deduction.*** Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in [paragraphs \(d\)\(1\)](#) through [\(d\)\(5\)](#) of this section have been allowed. If the household does not contain an elderly or disabled member, as defined in [§271.2 of this chapter](#), the shelter deduction cannot exceed the maximum shelter deduction limit established for the area. For fiscal year 2001, effective March 1, 2001, the maximum monthly excess shelter expense deduction limits are \$340 for the 48 contiguous States and the District of Columbia, \$543 for Alaska, \$458 for Hawaii, \$399 for Guam, and \$268 for the Virgin Islands. FNS will set the maximum monthly excess shelter expense deduction limits for fiscal year 2002 and future years by adjusting the previous year's limits to reflect changes in the shelter component and the fuels and utilities component of the Consumer Price Index for All Urban Consumers for the 12-month period ending the previous November 30. FNS will notify State agencies of the amount of the limit. Only the following expenses are allowable shelter expenses:

(iii) ***Standard utility allowances.***

(A) With FNS approval, a State agency may develop the following standard utility allowances (standards) to be used in place of actual costs in determining a household's excess shelter deduction: an individual standard for each type of utility expense; a standard utility allowance for all utilities that includes heating or cooling costs (HCSUA); and, a limited utility allowance (LUA) that includes electricity and fuel for purposes other than heating or cooling, water, sewerage, well and septic tank installation and maintenance, telephone, and garbage or trash collection. The LUA must include expenses for at least two utilities.

§273.10 Determining household eligibility and benefit levels.

(e) ***Calculating net income and benefit levels*** —

(1) ***Net monthly income.***

(i) To determine a household's net monthly income, the State agency shall:

(A) Add the gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income.

(B) Multiply the total gross monthly earned income by 20 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 80 percent and add that to the total monthly unearned income, minus income exclusions.

(C) Subtract the standard deduction.

(D) If the household is entitled to an excess medical deduction as provided in [§273.9\(d\)\(3\)](#), determine if total medical expenses exceed \$35. If so, subtract that portion which exceeds \$35.

(E) Subtract allowable monthly dependent care expenses, if any, as specified under [§273.9\(d\)\(4\)](#) for each dependent.

(F) If the State agency has chosen to treat legally obligated child support payments as a deduction rather than an exclusion in accordance with [§273.9\(d\)\(5\)](#), subtract allowable monthly child support payments in accordance with [§273.9\(d\)\(5\)](#).

(G) Subtract the homeless shelter deduction, if any, up to the maximum of \$143.

(H) Total the allowable shelter expenses to determine shelter costs. Subtract from total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction according to [paragraph \(e\)\(1\)\(i\)\(I\)](#) of this section.

(I) Subtract the excess shelter cost up to the maximum amount allowed for the area (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other applicable deductions. Households not subject to a capped shelter expense shall have the full amount exceeding 50 percent of their net income subtracted. The household's net monthly income has been determined.

(ii) In calculating net monthly income, the State agency shall use one of the following two procedures:

(A) Round down each income and allotment calculation that ends in 1 through 49 cents and round up each calculation that ends in 50 through 99 cents; or

(B) Apply the rounding procedure that is currently in effect for the State's Temporary Assistance for Needy Families (TANF) program. If the State TANF program includes the cents in income calculations, the State agency may use the same procedures for SNAP income calculations. Whichever procedure is used, the State agency may elect to include the cents associated with each individual shelter cost in the computation of the shelter deduction and round the final shelter deduction amount. Likewise, the State agency may elect to include the cents associated with each individual medical cost in the computation of the medical deduction and round the final medical deduction amount.

**(2) *Eligibility and benefits.***

(i) (A) Households which contain an elderly or disabled member as defined in [§271.2](#), shall have their net income, as calculated in [paragraph \(e\)\(1\)](#) of this section (except for households considered destitute in accordance with [paragraph \(e\)\(3\)](#) of

this section), compared to the monthly income eligibility standards defined in [§ 273.9\(a\)\(2\)](#) for the appropriate household size to determine eligibility for the month.

(B) In addition to meeting the net income eligibility standards, households which do not contain an elderly or disabled member shall have their gross income, as calculated in accordance with [paragraph \(e\)\(1\)\(i\)\(A\)](#) of this section, compared to the gross monthly income standards defined in [§ 273.9\(a\)\(1\)](#) for the appropriate household size to determine eligibility for the month.

(ii) (A) Except as provided in [paragraphs \(a\)\(1\)](#), [\(e\)\(2\)\(iii\)](#) and [\(e\)\(2\)\(vi\)](#) of this section, the household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30 percent of the household's net monthly income as calculated in [paragraph \(e\)\(1\)](#) of this section. If 30 percent of the household's net income ends in cents, the State agency shall round in one of the following ways:

(1) The State agency shall round the 30 percent of net income up to the nearest higher dollar; or

(2) The State agency shall not round the 30 percent of net income at all. Instead, after subtracting the 30 percent of net income from the appropriate Thrifty Food Plan, the State agency shall round the allotment down to the nearest lower dollar.

(B) If the calculation of benefits in accordance with [paragraph \(e\)\(2\)\(ii\)\(A\)](#) of this section for an initial month would yield an allotment of less than \$10 for the household, no benefits shall be issued to the household for the initial month.

**WV IMM, Chapter 4, §4.4.1.B, Consideration of Past Income, in pertinent part:** The Worker must determine the amount of income received by all persons in the AG in the 30 calendar days before the redetermination date, or interview date when the interview is completed on a different day than when the application is received ... The income from the 30-day period is the minimum amount of income that must be considered. When, in the Worker's judgment, future income may be more reasonably anticipated by considering the income from a longer period of time, the Worker considers income for the time period he determines to be reasonable ... The year-to-date amounts on check stubs may only be used when the client has verification of all payment amounts whether used or not but is missing one.

After determining the amount of the AG's income in the 30 days before the redetermination date, the Worker must determine if the income from the previous 30 day is reasonably expected to continue into the new certification period ... If it is expected to continue, the Worker must determine if the amount is reasonably expected to be more or less the same ... If it is not expected to continue at more or less the same amount, the income source is used for the new certification period and treated according to Section 4.4.1.C.

**WV IMM, Chapter 4, §4.6.1, Budgeting Method, in pertinent part:** Eligibility is determined monthly. Therefore, it is necessary to determine a monthly amount of income to count for the eligibility period. For all cases, the Worker must determine the amount of income that can be reasonably anticipated for the AG. For all cases, income is projected. Past income is used only when it reflects the income the client reasonably expects to receive during the certification period.



**WV IMM, Chapter 4, §4.6.1.A, Methods for Reasonably Anticipating Income, in pertinent part:**

Use past income only when both of the following conditions exist for a source of income:

- Income from the source is expected to continue into the certification period.
- The amount of income from the same source is expected to be more or less the same. For these purposes, the same source of earned income means income from the same employer, not just the continued receipt of earned income.

Use future income when either of the following conditions exists for a source of income:

- Income from a new source is expected to be received in the certification period. For these purposes, a new source of earned income means income from a different employer.
- The rate of pay or the number of hours worked for an old source is expected to change during the certification period. Income that normally fluctuates does not require the use of future income.

**WV IMM, Chapter 4, §4.7.3, MAGI-Based Income Disregard, states:**

The only allowable income disregard is an amount equivalent to five percentage points of 100% of the Federal Poverty Level (FPL) for the applicable MAGI household size. The 5% FPL disregard is not applied to every MAGI eligibility determination and should not be used to determine the MAGI coverage group for which an individual may be eligible. The 5% FPL disregard will be applied to the highest MAGI income limit for which an individual may be determined eligible.

**WV IMM, Chapter 4, §4.7.4, Determining Eligibility:**

The applicant's household income must be at or below the applicable MAGI standard for the MAGI coverage groups.

- Step 1** Determine the MAGI-based gross monthly income for each MAGI household income group (IG).
- Step 2:** Convert the MAGI household's gross monthly income to a percentage of the FPL by dividing the current monthly income by 100% of the FPL for the household size. Convert the result to a percentage. If the result from Step 2 is equal to or less than the appropriate income limit (133% FPL), no disregard is necessary, and no further steps are required.
- Step 3:** If the result from Step 2 is greater than the appropriate limit (133% FPL), apply the 5% FPL disregard by subtracting five percentage points from the converted monthly gross income to determine the household income. Step 4: After the 5% FPL income disregard has been applied, the remaining percent of FPL is the final figure that will be compared against the applicable modified adjusted gross income standard for the MAGI coverage groups.

**WV IMM, Chapter 23, §23.10.4, Adult Group, in pertinent part:** To be eligible for Adult Group Medicaid benefits, the income must be equal to or below 133% FPL.

**WV IMM, Chapter 4, Appendix A, Income Limits**

133% of the FPL for a one-person assistance group is \$1,616

**WV IMM, Chapter 4, in pertinent parts:**

**§4.4.2.B Allowable Disregards and Deductions**

The following are the only allowable disregards and deductions for the SNAP. They apply to the income of the AG members and any individual sanctioned/penalized due to enumeration, Intentional Program Violation (IPV), failure to comply with a work requirement, or disqualified by law.

**§4.4.2.B.1 Earned Income Disregard**

Twenty percent (20%) of gross countable earned income, including gross profit from self-employment, is disregarded. This disregard is applied to the combined earnings of all members of the AG and to those persons whose income is counted or deemed. It is intended to cover those expenses incidental to employment or training, such as transportation, meals away from home, special clothing, and payroll deductions.

**§4.4.2.B.2 Standard Deduction**

A Standard Deduction is applied to the total non-excluded income counted for the AG, after application of the Earned Income Disregard. The amount of the Standard Deduction is found in Appendix B.

**§4.4.2.B.3 Dependent Care Deduction**

A deduction is allowed for payment for the care of a child or other dependent, when the expense is necessary for an income group member to accept, continue or seek employment or training, or pursue education that is preparatory to employment.

**§4.4.2.B.4 Child Support Deduction**

A deduction is allowed for legally obligated child support actually paid by an AG member or disqualified individual to an individual not residing in the same household.

**§4.4.2.B.5 Homeless Shelter Standard Deduction**

This deduction may be applied when a homeless AG incurs any shelter/utility expenses for the month. Homeless AGs that receive free housing and utilities throughout the month are not eligible for the deduction. However, if they incur any shelter or utility expense, regardless of the amount, any time during the month, they qualify for the Homeless Shelter Standard Deduction.

**§4.4.2.B.6 Medical Expenses**

Medical expenses in excess of \$35 must be allowed as a medical deduction for AG members who are elderly, which is at least age 60, or disabled, as defined in Section 13.15. Once the medical expenses of all such AG members have been totaled, the amount of the total in excess of \$35 is used as a medical deduction. Thirty-five dollars (\$35) is deducted from the total amount of expenses for the AG, not \$35 from each person's expenses. There is no maximum dollar limit for a medical deduction.

**§4.4.2.B.7 Shelter/Utility Deduction**

After all other exclusions, disregards, and deductions have been applied, 50% of the remaining income is compared to the total monthly shelter costs and the appropriate SUA. If the shelter

costs/SUA exceed 50% of the remaining income, the amount in excess of 50% is deducted. The deduction cannot exceed the shelter/utility cap found in Appendix B.

#### **§4.4.2.C Shelter Expense**

Items considered in arriving at shelter expenses are the continuing amounts of:

- Rent.
- Mortgage payments. This includes second mortgages and home equity loans and any other loans for which the dwelling is used as collateral.
- Interest on mortgage payments.
- Condominium and association fees, regardless of purpose for the fees.
- Payments to an escrow account established to pay property taxes and homeowner's insurance.
- Property taxes and special tax assessments on the structure and lot required by State or local law. This does not include assessments such as police and fire fees, unless the fee is based on property valuation.
- Insurance on the structure and lot.
- Cost of repairing the home that was damaged or destroyed due to a natural disaster or misfortune including, but not limited to, fire, flood, or freezing temperatures.
- A car payment when a homeless AG lives in their vehicle. Insurance on the vehicle itself when a homeless AG lives in their vehicle.

##### **§4.4.2.C.1 Standard Utility Allowance (SUA)**

SUAs are fixed deductions that are adjusted yearly to allow for fluctuations in utility expenses. AGs with utility expenses for both occupied and unoccupied homes may only use the SUA for one home of his choice. These deductions are the Heating/Cooling Standard (HCS), the Non-Heating/Cooling Standard (NHCS), and the One Utility Standard (OUS). The current SUA amounts are found in Appendix B. AGs that are obligated to pay from their resources a utility expense that is billed separately from their shelter expenses are eligible for an SUA deduction.

Items not considered utilities include, but not limited to:

- Cable/digital/satellite television service
- Internet service
- Utility deposits
- Pre-paid cell phones

##### **Heating/Cooling Standard (HCS)**

AGs that are obligated to pay a heating or cooling expense that is billed on a regular basis are eligible for the HCS. There does not have to be a monthly bill for heating or cooling throughout the year, just a regular bill for heating or cooling during the appropriate season.

##### **Non-Heating/Cooling Standard (NHCS)**

AGs that do not qualify for the HCS but incur two or more utility expenses or at least one utility expense when sharing a residence that has two or more utilities, are eligible for the NHCS.

##### **One Utility Standard (OUS)**

AGs that do not qualify for the HCS or the NHCS, but incur one utility expense, are eligible for the OUS.

## DISCUSSION

Pursuant to the COVID-19 PHE-related procedures, Medicaid recipients received continuous coverage without consideration of all routine eligibility criteria. After April 1, 2023, the Respondent was permitted to resume considering all eligibility criteria when determining Medicaid eligibility. The Appellant had been receiving Adult Medicaid coverage under the PHE procedures.

On December 11, 2023, the Appellant applied for Supplemental Nutrition Assistance Program (SNAP) benefits for an AG of one. Pursuant to policy and federal regulations, monthly SNAP allotments are determined by an assistance group's countable income, after all allowable deductions have been applied. Policy requires that all gross income be converted to a monthly amount. Bi-weekly income for a 30-day look-back period is added and multiplied by 2.15 to determine the gross monthly income. The 30 day look-back period for the Appellant is November 11 through December 11, 2023, the date of his application. Accordingly, the Appellant submitted his bi-weekly pay statements for November 13 and 27, 2023.

On December 29, 2023, the Appellant's income was entered into the Appellant's benefits case. On January 2, 2024, the Respondent notified the Appellant that his Adult Medicaid benefits would terminate as of February 1, 2024 as his income exceeded allowable eligibility limits of \$1,616 for an AG of 1. Additionally, the January 2, 2024 notice explained that the Appellant's SNAP benefits were approved. Although there was no prorated amount for the month of December, the Appellant's SNAP benefits were approved for \$23 per month thereafter.

Ms. Bolinger testified that the GI from both checks were added and then multiplied by 2.15 as mandated by policy to determine the monthly GI of \$1,917.86. However, in reviewing the submitted pay statements - \$465.11 (11/13/23 GI) + \$500.59 (11/27/23 GI) = \$965.70 x 2.15 = \$2,076.26. Clearly, a discrepancy exists between the actual calculation of the GI and the amount used by the Respondent in the January 2024 determination of the Appellant's SNAP eligibility. The testimony was unclear as to how the Respondent arrived at the sum of \$1,917.86.

The Appellant's witness testified that the Appellant has a car payment and car insurance, in addition to fuel costs for his employment as a pizza delivery driver. The Respondent's representative, Barbara Bolinger, testified that those expenses may be considered as deductions only if the Appellant was self-employed. The Appellant testified that he is not self-employed and is considered as an employee of the pizza business, [REDACTED]. These expenses are not allowable deductions for SNAP allotment determination. It is noted that the Appellant's shelter/utility costs were included in the SNAP allotment calculation, in addition to the standard deduction and earned income disregard.

The Appellant's witness testified that the Appellant made more money in 2022 than in 2023 and remained eligible for Adult Medicaid up until February 1, 2024 proposed closure. Ms. Bolinger explained that during the PHE, West Virginia was not allowed to conduct financial eligibility reviews for those receiving Medicaid benefits. However, on April 1, 2023, the PHE was lifted, and West Virginia resumed complete eligibility determinations. Thus, when the Appellant

reported his income in his December 2023 SNAP application, it was added to his benefits case which prompted the Adult Medicaid closure.

The Respondent failed to show by a preponderance of evidence that it correctly calculated the Appellant's gross income to determine Adult Medicaid and SNAP eligibility. Therefore, the Respondent's decision to close the Appellant's Adult Medicaid and determine the Appellant's eligibility for SNAP cannot be affirmed.

### **CONCLUSION OF LAW**

Whereas the Respondent incorrectly calculated the Appellant's monthly gross income amount in its decision to close Adult Medicaid benefits and its determination of his SNAP eligibility, the Respondent's decisions cannot be affirmed.

### **DECISION**

It is the decision of the Hearing Officer to **REVERSE** the Respondent's January 2, 2024 decision to stop Adult Medicaid benefits and the Appellant's SNAP eligibility determination. The case is **REMANDED** for redetermination of the Appellant's Adult Medicaid and SNAP benefits using the corrected GI amount.

**ENTERED this 16<sup>th</sup> day of February 2024.**

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Lori Woodward, Certified State Hearing Officer