



**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**

January 30, 2024



RE: [REDACTED] v. WV DEPARTMENT OF HUMAN SERVICES BUREAU
FOR FAMILY ASSISTANCE
ACTION NO.: 24-BOR-1088

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,

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

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

cc: Kimberly Bone, [REDACTED] DoHS

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

██████████,

Appellant,

v.

Action Number: 24-BOR-1088

**WEST VIRGINIA DEPARTMENT OF HUMAN 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 January 30, 2024, on an appeal filed on January 8, 2024.

The matter before the Hearing Officer arises from the December 14, 2023, decision by the Respondent to deny the Appellant's application for Medicaid Work Incentive (M-WIN) benefits.

At the hearing, the Respondent appeared by Kimberly Bone, Economic Service Worker. The Appellant represented herself. Appearing as a witness for the Appellant was her sister, ██████████. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Medicaid Application received September 2023 (one page only)
- D-3 Notice of Denial dated December 14, 2023
- D-4 Hearing Request received January 8, 2024
- D-5 Statement from Appellant received January 8, 2024
- D-6 West Virginia Income Maintenance Manual §26.2
- D-7 West Virginia Income Maintenance Manual §26.6
- D-8 West Virginia Income Maintenance Manual §26.6.6.A

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 Medicaid Work Incentive (M-WIN) program benefits on November 28, 2023 (Exhibit D-2).
- 2) The Appellant reported that she received monthly Social Security benefits of \$1,037 and that she worked 25 hours per week at \$10.00 an hour.
- 3) The Appellant provided a November 20, 2023, paystub showing 25.13 hours worked at \$10.00 an hour with her application.
- 4) The Respondent issued a notice of denial on December 14, 2023, advising the Appellant that her unearned income exceeded the allowable limit of \$914 to receive M-WIN benefits (Exhibit D-3).

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 26 explains eligibility for M-WIN:

26.6.1 Income Limit

The income limit is 250% of the Federal Poverty Level (FPL) when unearned income is at or below the Supplemental Security Income (SSI) payment level.

26.6.4.A Income Disregards and Deductions – Unearned Income

- SSI \$20 Disregard: A \$20 disregard is applied to the total gross unearned income. If unearned income is less than \$20, the remainder is subtracted from earned income, prior to the application of any other earned income disregards and deductions.
- Unearned Income Diverted to a PASS. Any unearned income diverted to a PASS is deducted from income.
- For SSI-Related Children Only: One-third of the child support intended for the SSI-Related child is disregarded.
- Death Benefits: The portion of a lump sum payment received as a result of the death of a client, which is used to pay the expenses of the last illness and burial of that client, is deducted.

26.6.6.A Determining Eligibility – Unearned Income Test

Determination of financial eligibility has two parts: the unearned income test and determining countable income.

The first part is the unearned income test. If the client fails this test, he is ineligible.

- Step 1: Determine the amount of countable unearned income.
- Step 2: Subtract the \$20 SSI Disregard.
- Step 3: Compare the remainder to the current SSI payment for one person. If the remainder exceeds the SSI payment, the client is ineligible and no additional calculations are required. If the remainder is equal to or less than the SSI payment, the Worker must determine countable income.

West Virginia Income Maintenance Manual Chapter 4 Appendix A lists income limits:

250% FPL for a one-person assistance group: \$3,038

Maximum SSI payment level for one-person: \$914

DISCUSSION

Policy stipulates that the income limit for M-WIN benefits is \$3,038, or 250% of the federal poverty level. However, the total countable unearned income for the assistance group cannot exceed the maximum SSI payment level of \$914. The Respondent denied the Appellant's application for M-WIN benefits due to excessive unearned income.

The Appellant testified that she accepted early retirement Social Security benefits because she was unable to continue working full-time and her hours have been reduced to 25 hours per week. The Appellant stated she was unaware that by accepting early retirement she would be income ineligible for M-WIN. The Appellant testified that she cannot afford health insurance to cover the costs associated with her cancer diagnosis.

To determine eligibility for M-WIN, an individual must meet the unearned income test found in policy. A \$20 SSI Disregard is deducted from the gross unearned income and the remaining amount is compared to the maximum SSI payment level. If the resulting amount is more than the maximum SSI payment level, the individual is ineligible. The Appellant's countable net income is determined as \$1,017 (\$1,037 Social Security minus \$20). The Appellant's unearned income is excessive to receive M-WIN benefits.

Whereas the Appellant's countable net unearned income exceeds the allowable limit to receive M-WIN benefits, the Respondent's denial of the Appellant's application is affirmed.

CONCLUSIONS OF LAW

- 1) To qualify for M-WIN benefits, the countable unearned income cannot exceed \$914.
- 2) The Appellant receives monthly Social Security benefits of \$1,037.

- 3) The Appellant's countable unearned income of \$1,017 exceeds the allowable income limit as set forth by policy.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to deny the Appellant's application for Medicaid Work Incentive benefits.

ENTERED this 30th day of January 2024.

Kristi Logan
Certified State Hearing Officer