



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
1400 Virginia Street
Oak Hill, WV 25901

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

May 17, 2017

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-1489

Dear Ms. [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
State Hearing Officer
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision
Form IG-BR-29

cc: Heather Keffer, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 17-BOR-1489

**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 May 11, 2017, on an appeal filed March 20, 2017.

The matter before the Hearing Officer arises from the March 6, 2017, decision by the Respondent to terminate Children's Health Insurance Program (CHIP) Premium benefits.

At the hearing, the Respondent appeared by Heather Keffer, Economic Service Supervisor. The Appellant appeared by her husband, ██████████. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

None

Appellant's Exhibits:

A-1 Paystubs from ██████████ dated April 13, 2017 and May 5, 2017

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 submitted a CHIP Premium redetermination through the Respondent's online database in March 2017.
- 2) The Appellant reported that her household income consisted of earned income for herself of \$4,000 monthly and \$1,400 monthly for her husband, [REDACTED].
- 3) The Respondent issued a Notice of Decision to the Appellant advising that based on the income reported, CHIP benefits would close effective March 31, 2017, due to excessive income.
- 4) The Appellant has a three-person Assistance Group (AG).
- 5) The income limit for CHIP Premium benefits is \$5,105.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §10.6 states that eligibility is determined on a monthly basis. 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.

There are 2 methods for reasonably anticipating the income the client expects to receive. One method uses past income and the other method uses future income. Both methods may be used for the same AG for the same certification period because the method used varies with the circumstances of each source of income. The situations which prompt usage of one or the other method are listed below. More details are contained in the following items.

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 or POC; and
- The amount of income from the same source is expected to be more or less the same.

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

- Income from a new source is expected to be received in the certification period or POC; or
- The rate of pay or the number of hours worked for an old source is expected to change during the certification period or Period Of Consideration.

West Virginia Income Maintenance Manual Chapter 7 Appendix C lists the income limits for CHIP for an AG of three (3):

CHIP Limited Co-Pays \$2,553

CHIP Full Cop-Pays \$3,591

CHIP Premium \$5,105

DISCUSSION

To qualify for CHIP benefits, the household's gross monthly income must be equal or less than the allowable limit for the size of the Assistance Group as listed in policy. The income limit for a three-person Assistance Group for CHIP Premium benefits is \$5,105.

The Respondent used the Appellant's self-attestation of her household's income as reported on the redetermination form of \$5,400 monthly, which exceeded the allowable limit to continue receiving CHIP Premium benefits.

The Appellant's husband, [REDACTED], testified that the amount listed on the redetermination form was based on what they earned the previous year. However, Mr. [REDACTED] testified that his hours have been reduced, and he has only been working 27 hours a week at \$8.75 an hour for the past several months. Mr. [REDACTED] submitted a paystub dated May 5, 2017 (pay period April 16-April 30, 2017), in the amount of \$509.69 for 58.25 hours. The Appellant's income has not changed.

In determining eligibility, past income that cannot be reasonably anticipated to be received through the certification period is not used. The Appellant's husband has had a reduction in income, therefore the previously reported monthly amount cannot be used. Based on the documentation provided, Mr. [REDACTED] income can be anticipated as \$1,019.38 monthly, for total household income of \$5,019.38.

The Appellant meets the eligibility requirements to continue receiving CHIP Premium benefits.

CONCLUSIONS OF LAW

- 1) Pursuant to policy, income that cannot be anticipated to be received during the certification period is not counted in determining eligibility for CHIP.
- 2) The Appellant provided documentation that her husband has had a reduction in income, which can be reasonably anticipated over the certification period.
- 3) The Appellant continues to meet the eligibility requirements for CHIP Premium benefits.

DECISION

It is the decision of the State Hearing Officer to **reverse** the decision of the Respondent to terminate the Appellant's CHIP Premium benefits.

ENTERED this 17th day of May 2017

**Kristi Logan
State Hearing Officer**