



May 13, 2025

REMOVED

RE: **REMOVED** v. DoHS/BFA
ACTION NO.: 25-BOR-1882

Dear **REMOVED**

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: Erynn Kesler, **REMOVED** DoHS

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

REMOVED

Appellant,

v.

Action Number: 25-BOR-1882

**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 **REMOVED**. 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 May 13, 2025.

The matter before the Hearing Officer arises from the April 14, 2025, decision by the Respondent to increase the Appellant's monthly premium amount for Medicaid Work Incentive (M-WIN) benefits.

At the hearing, the Respondent appeared by Eryn Kesler, **REMOVED** DoHS. The Appellant was self-represented. The witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Hearing Request Notification Form
- D-3 Board of Review Scheduling Order dated April 29, 2025
- D-4 Notice of Decision dated April 14, 2025
- D-5 Case Comments
- D-6 Paystubs dated February 14, February 28, and March 14, 2025
- D-7 West Virginia Income Maintenance Manual §26.2
- D-8 West Virginia Income Maintenance Manual §26.2.5
- D-9 West Virginia Income Maintenance Manual §26.2.5.B
- D-10 West Virginia Income Maintenance Manual §26 Appendix 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 was a recipient of Medicaid Work Incentive (M-WIN) benefits.
- 2) The Appellant underwent a financial and medical eligibility review in March 2025 (Exhibit D-5).
- 3) The Appellant was determined medically eligible by the Medical Review Team to continue receiving M-WIN benefits (Exhibit D-5).
- 4) The Respondent determined the Appellant's monthly gross income as \$2,828.24 (Exhibit D-6).
- 5) On April 14, 2025, the Respondent sent a notice to the Appellant advising that her M-WIN coverage would continue, and her monthly premium amount would increase from \$38.50 to \$94.50 effective May 2025 (Exhibit D-4).

APPLICABLE POLICY

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

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.

26.6.3 Budgeting Method

The method used to anticipate monthly countable income is the same as in Section 4.6.

26.6.4.B Income Disregards and Deductions – Earned Income

- SSI \$20 Disregard: the remainder of the \$20 income disregard. See Unearned Income above.
- SSI Earned Income Disregard: \$65 and half (1/2) of the remainder are subtracted from earned income and from gross profit from self-employment earnings. See Determining Countable Income below.
- Impairment-Related Work Expenses: Expenses for items or services that are directly related to enabling a person with a disability to work and that are

necessarily incurred by the client due to a physical or mental impairment. The client must be:

- Disabled, but not blind; and
- Under age 65
- SSI Work-Related Expenses (Blind Persons Only): A deduction for impairment-related expenses necessary for employment is allowed, such as a guide dog, cane training, purchase of special equipment needed to perform or advance on the job, etc.
- Earnings Diverted to a Plan for Achieving Self-Support (PASS): Any earnings diverted to a PASS are deducted from income.
- SSI Student Child Earned Income Disregard: \$2,350 per month, but no more than \$9,460 in a calendar year, is disregarded when the child meets certain criteria.

26.6.6.B Determining Countable Income

Countable income is determined by subtracting any allowable disregards and deductions from the total countable gross income. Countable income is determined as follows:

Step 1: Determine the total countable gross unearned income and subtract the \$20 Disregard, if applicable.

Step 2: Determine the total countable gross earned income. Subtract the following in order:

- Remainder of SSI \$20 Disregard • SSI \$65 Earned Income Disregard
- SSI Impairment-Related Expenses
- One-half (1/2) of Remaining Earned Income
- SSI Work-Related Expense Deductions (blind persons only)
- Earnings Diverted to a PASS

Step 3: Add unearned income from Step 1.

Step 4: Subtract unearned income diverted to a PASS, the Death Benefits deduction and, for children, the child support disregard.

- The result is the total monthly countable income.

Step 5: Compare the amount in Step 4 to 250% of the FPL for one person. If the net countable monthly income is equal to or less than 250% of the FPL, the client is financially eligible.

NOTE: Once the client has been determined eligible, premium fees are based on gross countable income before these disregards and deductions.

Appendix A: M-WIN Premium Amounts

Monthly Gross Income: \$2,701 - \$2,900 \$94.50 Premium Amount

West Virginia Income Maintenance Manual Chapter 4 explains income eligibility for Medicaid:

4.6.1.D How to Use Past and Future Income

After the Worker determines all of the income sources that are to be considered for use, the Worker determines the amount of monthly income, based on the frequency of receipt and whether the amount is stable or fluctuates. Conversion of income to a monthly amount is accomplished by multiplying an actual or average amount as follows:

- Weekly amount x 4.3
- Biweekly amount (every two weeks) x 2.15
- Semimonthly (twice/month) x 2

DISCUSSION

Policy stipulates that financial eligibility for M-WIN benefits is determined by subtracting any allowable disregards and deductions from the total countable gross income. After all the allowable income disregards and deductions have been applied, the remaining income must be less than or equal to 250% of the federal poverty level (FPL) for one person. Once an individual has been determined financially eligible for M-WIN benefits, the monthly premium is based on the gross countable income before the application of the income disregards and deductions.

The Appellant completed a redetermination of medical and financial eligibility for M-WIN benefits in March 2025. The Respondent determined the Appellant's gross monthly income as \$2,828.24 based on the paystubs provided by the Appellant with her redetermination form. The Appellant's income, after the allowable disregards and deductions were applied, was below 250% of the FPL and determined to be financially eligible for M-WIN benefits.

To determine an individual's monthly M-WIN premium amount, the gross countable income, before disregards and deductions are applied, is compared to the chart found in policy. Based on a gross monthly income of \$2,828.24, the Appellant's monthly M-WIN premium is \$94.50.

The Appellant testified that her net pay is approximately \$1,000 each paycheck and argued that the Respondent should determine her premium amount using her net income and not the gross income. The Appellant contended that she cannot afford the increased premium amount and stated it was unfair to consider money that she does not receive.

The Board of Review does not have the authority to change policy or grant waivers to policy and can only judge if the Respondent's action to increase the Appellant's monthly premium amount aligned with existing policy. Whereas the Respondent correctly calculated the Appellant's monthly M-WIN premium amount based on her gross monthly earned income, the Respondent's action to increase the Appellant's premium to \$94.50 is affirmed.

CONCLUSIONS OF LAW

- 1) M-WIN monthly premiums are determined by an individual's gross monthly income before the application of income disregards and deductions.
- 2) The Appellant's gross monthly earned income is \$2,828.24.
- 3) The monthly premium amount for gross monthly income ranging between \$2,701 and \$2,900 is \$94.50.

4) The Respondent acted in accordance with policy by increasing the Appellant's monthly M-WIN premium.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to increase the Appellant's monthly Medicaid Work Incentive premium.

ENTERED this 13th day of May 2025.

Kristi Logan
Certified State Hearing Officer