



September 16, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS-BFA
ACTION NO.: 25-BOR-2711

Dear Mr. [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,

Eric L. Phillips
State Hearing Officer
Member, State Board of Review

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

cc: Alanna Cushing, BFA

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

[REDACTED]

Appellant,

v.

Action Number: 25-BOR-2711

**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 [REDACTED]. 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 September 11, 2025, on an appeal filed with the Board of Review on August 22, 2025.

The matter before the Hearing Officer arises from the August 25, 2025 decision by the Respondent to deny the Appellant's application for Medicare Premium Assistance.

At the hearing, the Respondent appeared by Alanna Cushing, Health and Human Resources Specialist Senior. The Appellant was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Notice of Decision dated August 25, 2025
- D-3 West Virginia Income Maintenance Manual 4.12

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 Medicare Premium Assistance (MPA).
- 2) The Appellant's household consists of himself and his spouse.
- 3) The Appellant's spouse receives a monthly income from the Social Security Administration in the amount of \$1394.50
- 4) The Appellant receives a private pension from the country of Ireland.
- 5) The Appellant receives the pension in weekly deposits of €249.50.
- 6) The Appellant's receives the pension fund via the [REDACTED]
- 7) The Respondent utilized the lowest conversion rate for 2025 of 1.02 Euros to 1 Dollar, to determine the Appellant's monthly dollar income.
- 8) The Respondent utilized \$254.49 for the Appellant's weekly converted income rate.
- 9) The Respondent determined the Appellant's monthly gross income to be \$1094.31. (\$254.49 x 4.3).
- 10) The Respondent determined the Appellant's monthly household income to be \$2488.81. (\$1395.50 + \$1094.31)
- 11) Policy allows a \$20.00 income disregard when determining income eligibility.
- 12) The Appellant's monthly net income was determined to be \$2468.81.
- 13) The monthly income limit for MPA is \$2380.
- 14) On August 25, 2025, the Respondent issued a Notice of Decision (Exhibit D-2) informing the Appellant that his application for MPA benefits had been denied effective August 31, 2025, due to excessive income.

APPLICABLE POLICY

West Virginia Income Maintenance Manual 4.12.1 documents in pertinent part:

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 appropriate disregards and deductions. See Section 4.14.2.

Step 2: Determine the total countable gross earned income and subtract the appropriate disregards and deductions. See Section 4.14.2.

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. See Section 4.14 for SSI-Related deeming procedures.

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.
- 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

West Virginia Income Maintenance Manual Chapter 4 Appendix A lists the income limits for a one-person household for Medicare Premium Assistance as follows:

QMB-\$1763 (100% FPL)

SLIMB-\$1764-\$2115 (Between 100% FPL and 120% FPL)

QI-1-\$2116-\$2380 (Between 120% FPL and 135% FPL)

West Virginia Income Maintenance Manual 4.14.2.B regarding income disregards document:

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.

DISCUSSION

On August 25, 2025, the Respondent denied the Appellant's application for Medicare Premium Assistance (MPA) benefits due to excessive income. The Appellant appeals the Respondent's decision. The Respondent must prove by a preponderance of the evidence that it correctly denied the Appellant's application due to excessive income.

The Respondent determined the Appellant's monthly gross household income to be \$2488.81. This income included the Appellant's spouses' income from the Social Security Administration of

\$1394.50 along with the Appellant's monthly income from a pension from the country of Ireland in the amount of \$1094.31. The Appellant receives this pension in a euro amount which is direct deposited in the [REDACTED] The pension is paid in weekly installments of €249.50 and is subjected to currency exchange rate. The Respondent utilized the lowest exchange rate for 2025 when converting the pension funds into a dollar amount to determine the household's countable monthly income. The Respondent determined the best exchange rate was €1.02 to \$1.00 and calculated the pension into a dollar amount of \$254.49. The Respondent determined the Appellant's monthly pension to be \$1094.31. (\$254.49 multiplied by 4.3). After attributing a \$20.00 unearned disregard, the Appellant's countable income for MPA was calculated at \$2468.81. The income limit for a two-person household set forth by policy for MPA benefits is \$2380.00 or 135% of the Federal Poverty Level. The Respondent determined the Appellant's exceeded the income limits for the MPA program and issued a denial notice on August 25, 2025.

The Appellant contends that he is subjected to currency exchange rate fees and bank fees to access the pension in the United States. The Appellant opines that these fees should not be considered when calculating his monthly income. The Appellant testified that his medical expenses create an additional financial burden on his household.

Policy documents that eligibility for MPA programs, specifically Qualified Individual, is established when a household's total countable gross unearned income, minus appropriate disregards and deductions, does not exceed 135% of the Federal Poverty Level, or \$2380.00 for a two-person household. Evidence reveals that the Appellant's total household income, after considered deductions, is \$2468.81 exceeding the income guidelines. Therefore, the Respondent was correct in its decision to deny the Appellant's MPA application.

CONCLUSIONS OF LAW

- 1) Policy requires that income eligibility for MPA, specifically Qualified Individual 1 (QI-1) is established when a household's total countable income, after deduction and disregards, is greater than 120% of the Federal Poverty Level, but less than or equal to 135% of the Federal Poverty Level.
- 2) A household's monthly income cannot exceed \$2380.00, 135% of the Federal Poverty Level.
- 3) The Appellant's total monthly countable income, after a \$20.00 unearned income disregard, is \$2468.81.
- 4) The Appellant's total monthly countable income exceeds 135% of the Federal Poverty Level.
- 5) The Respondent's action to deny the Appellant's application for MPA benefits is affirmed.

DECISION

It is the decision of the State Hearing Officer to **uphold** the action of the Respondent to deny the Appellant's application for MPA programs.

ENTERED this _____ day of September 2025.

Eric L. Phillips
State Hearing Officer