

Labor” under the Older Americans Act Amendments of 2006. Petitioner had not previously reported these monies because she had been told that the monies did not constitute income for purposes of determining Medicaid and Food Stamp eligibility. (Testimony of Petitioner; Testimony of Respondent’s Representative.)

3.

The stipend issued to Petitioner is under the auspices of the Community Employment Service Project, a program that provides training for qualified adults age 55 and older. “The goal is to link those chronically unemployed individuals with prospective employers. Typically, each training opportunity has a duration of up to six (6) months. If no job offer is extended to the participant, the training begins again at a new site.” (Exhibit P-1.)

4.

According to Legacy Link, Inc., Petitioner “receives stipend funding at a rate equal to prevailing minimum wage (\$7.25/hr.) for a period not to exceed 15 training hours per week.” (Testimony of Brenda Gragg, Legacy Link Inc.’s Job Developer; Exhibit P-1.)

III. Conclusions of Law

1.

Petitioner potentially qualifies for Medicaid under the ABD Medicaid Classes of Assistance as an aged and/or disabled individual, but only if she meets all other eligibility factors, including financial eligibility requirements. Georgia Department of Human Services Medicaid Manual §2205. The specific issue on appeal is the termination of Petitioner’s Medicaid benefits under the Qualifying Individuals-1 (QI-1) Class of Assistance based on a determination that Petitioner’s total income, less applicable deductions, exceeds the net income limits to qualify for Medicaid under QI-1.

2.

QI-1 is a Q-Track class of assistance that pays the monthly premium for Medicare supplemental Medical Insurance (Part B) for individuals whose income is between 120 – 135 percent of the Federal poverty guidelines. To be eligible, the applicant/recipient must have countable net income equal to or less than the QI-1 income limit, which is currently \$1,293. 42 U.S.C. § 1396a(a)(10)(e)(4).

3.

“All money, earned or unearned, received from any source by the Assistance Unit (AU) or the Medicaid Budget Group (BG) is considered in determining financial eligibility and benefit level.” Medicaid Manual § 2401-1. Income is defined as “anything an [applicant/recipient] receives in cash or in-kind that can be used to meet basic needs for food, clothing or shelter.” Medicaid Manual § 2401-1.

4.

Medicaid policy specifically provides that “Title V income paid for community service employment to individuals 55 or over” is included as earned income in determining financial eligibility for all ABD Classes of Assistance. The policy further states “[a]nything provided under these programs other than a wage or salary is excluded income.” Medicaid Manual § 2499-19.

5.

Petitioner asserts that she does not receive a wage or salary under Title V. Instead, she asserts that she receives a stipend, which should be excluded as income in determining her financial eligibility for Medicaid because of the aforementioned policy that states anything other than a wage or salary is excluded. For example, a participant may receive reimbursement for reasonable expenses, which would be excluded as income. 42 U.S.C. § 3056(b)(1)(I). However, the payments Petitioner receives that are equivalent to minimum wage qualify as “wages.” Thus, the monies Petitioner receives are properly

included in determining Petitioner's Medicaid eligibility.

6.

The court concludes that the monies Petitioner receives under Title V constitute wages for Medicaid purposes based on three reasons. First, Georgia law defines "wages" as remuneration for personal services. O.C.G.A. § 34-8-49(a)(1). Petitioner receives payment equal to the prevailing minimum wage for the services she performs, thus she is receiving remuneration for personal services. Moreover, the Older Americans Act, 42 U.S.C. § 3056, et seq., as amended by the Older Americans Act Amendments of 2006, Public Law 109-365, provides that non-profit organizations receiving grants shall assure that persons employed in community service jobs are paid wages that are not lower than the minimum wage that would be applicable to the employee under the Fair Labor Standards Act. 42 U.S.C. § 3056, Pub. L. 109-365, Section 502(b)(1)(J). Finally, federal regulations provide that participants "must be paid wages while in training." 20 C.F.R. § 641.540(f). Based on the foregoing, the monies received by Petitioner, whether it is for employment in community service jobs or for training, are "wages." Therefore, Respondent properly included the monies in determining Petitioner's ABD Medicaid eligibility. Medicaid Manual § 2499.

7.

In contrast, the monies Petitioner receives under Title V of the Older Americans Act, 42 U.S.C. § 3056, et seq., as amended by the Older Americans Act Amendments of 2006, Public Law 109-365, is specifically excluded, by the law, as income for federal housing programs and for Food Stamp eligibility determinations. However, the law does not exclude such monies for Medicaid purposes.

8.

Respondent has met its burden to establish that the monies Petitioner receives are

considered “wages” and should be included in calculating her Medicaid eligibility. Petitioner has not effectively rebutted Respondent’s evidence.

9.

Petitioner receives \$1,303.00 per month in Social Security benefits. She also receives approximately \$471.00 per month from Legacy Link. Accordingly, Petitioner’s total combined income, less a \$20.00 general deduction, a \$65 earned income deduction and a deduction of 50% of the remaining earned income, equals \$1,486.¹ This amount exceeds the net income eligibility level for QI-1, which is \$1,293. Medicaid Manual § 2499; Appendix A1-1 (2013). Accordingly, Petitioner does not currently qualify for Medicaid under the Q-Track Classes of Assistance. Respondent properly notified Petitioner that her Medicaid benefits were being terminated.

10.

Based on the foregoing, Respondent has established by a preponderance of the evidence that it properly terminated Petitioner’s QI-1 Medicaid benefits. O.C.G.A. §§ 24-4-1, 24-4-3 and 50-13-15(1); OSAH Rules 616-1-2-.07(1)(d) and 616-1-2-.21(4).

IV. Decision

Respondent’s termination of Petitioner’s Medicaid benefits under the QI-1 Class of Assistance is **AFFIRMED**.

This 22nd day of October, 2013.

ANA KENNEDY
Administrative Law Judge

¹ \$1,303-\$20+(\$471-\$65/2)=\$1,486.