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PAGES	CHAPTER	DATED	PAGES	CHAPTER	DATED
i - ii	11	8/00	i - ii	11	8/00
			6a	11	7/00
15 - 16	11	7/00	15	11	8/00
			16	11	7/00
46a - 46b	11	7/00	46a	11	8/00
			46b	11	7/00
55 - 56	11	7/00	55	11	7/00
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DATE: AUGUST, 2000 TO: ALL INCOME MAINTENANCE MANUAL HOLDERS					

This change is being made to add page 6a back to Chapter 11. It was left out of the last printing of the Chapter.

In addition, page numbers in the Table of contents have been corrected and some minor wording omissions were restored.

Questions should be directed to the OFS Policy Unit.

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UNDUE
HARDSHIP

Undue hardship exists when application of some aspects of the asset policy would deprive the individual of Medicaid, to the extent that his health or life would be endangered. It also exists when application of the trust policy would deprive the individual of food, clothing, shelter or other necessities of life. Undue hardship does not exist when application of the trust policy causes the individual inconvenience or might restrict his lifestyle, but would not put him at risk of serious deprivation.

UNIFORM GIFTS
TO MINORS
ACT

The State law which allows an irrevocable gift of money or property, made to a minor, to be tax-free.

VEHICLE

A car, truck, motorcycle, motor scooter, or a camper when the living section of the camper is a permanent part of the motorized section. To be considered a vehicle, it must require licensing to operate on public roadways, not necessarily be licensed. ATV's are treated as recreational vehicles, not as vehicles.

Also see RECREATIONAL EQUIPMENT and RECREATIONAL VEHICLES.

11.3 MAXIMUM ALLOWABLE ASSETS

To be eligible for programs administered by the Office of Family Support (OFS), the total amount of countable assets cannot exceed the amounts which are listed in the following chart:

FOOD STAMPS	AFDC MEDICAID	WV WORKS	SSI-RELATED MEDICAID, AFDC-RELATED MEDICAID, PAC, CDCS	QDWI, QMB, SLIMB, QI-1, QI-2
			Size of AG Asset Level	Size of AG Asset Level
\$2,000 - all AG's except as below. \$3,000 - at least one AG member is age 60 or over, regardless of the size of the AG. NOTE: For categorically eligible AG's, the asset test is presumed to be met.	\$1,000 - regardless of the number in the AG.	\$2,000 - regardless of the number in the AG.	1 \$2,000	1 \$4,000
			2 \$3,000	2 \$6,000
			Add \$50 to the asset maximum for each additional Needs Group member. NOTE: For SSI-Related Medicaid only: In cases involving a husband and wife who are living together, only one of whom is eligible, the asset level for 2 persons is used for their combined non-excluded assets. NOTE: For AFDC-Related Medicaid: Use the asset limit for the appropriate Needs Group size.	NOTE: In cases involving a husband and wife who are living together, only one of whom is eligible, the asset level for 2 persons is used for their combined non-excluded assets.

NOTE: The following Medicaid coverage groups have no asset test:

- AIDS Patient Programs
- Deemed AFDC-Medicaid Recipients
- Deemed SSI Recipients, except PAC
- PL Pregnant Women and Children
- Extended Medicaid
- Continuously Eligible Newborns
- QC
- Transitional Medicaid
- CHIP-1

LIST OF ASSETS

determination are submitted in writing and must show complete details about the undue hardship which will result. See "Undue Hardship" in the Definitions section.

HH. UNIFORM GIFTS TO MINORS ACT FUNDS	FS	WVW, AFDC Groups	SSI Groups
	Yes	Yes	No

II. VEHICLES	FS	WVW, AFDC Groups	SSI Groups
	Yes *	Yes *	Yes *

The owner of a vehicle is generally the individual to whom it is titled. However, when the title of a vehicle is not in the client's name, but the client states he is the owner, the vehicle is counted as the client's asset. If the title is in the client's name, and he indicates the vehicle no longer belongs to him, and the name on the title has not been changed, the vehicle is presumed to be his, unless he can prove otherwise. Only those vehicles of members of the AG, individuals who are disqualified or excluded by law and who would otherwise be required to be included, are considered when determining vehicle assets.

A leased vehicle, in which the individual has no equity and which he cannot sell, is excluded.

The NADA trade-in value is usually used as the CMV for Food Stamps, AFDC Medicaid, WV WORKS and AFDC-Related Medicaid.

The NADA retail value is usually used as the CMV for SSI-Related Medicaid, CDCS, PAC, QDWI, QMB, SLIMB, QI-1 and QI-2.

Neither the trade-in value nor the retail value is increased or decreased by adding or subtracting the value of low-or high-mileage or other factors, such as optional equipment or special equipment for the disabled.

1. Food Stamps

NOTE: The exclusion from assets in Section 11.5, Low Profit from Sale of an Asset, does not apply to vehicles.

Any AG which claims that the NADA trade-in value does not represent the true value of the vehicle, must be given the opportunity to acquire verification, at its own expense, from a reliable source.

AG's are also required to obtain an estimate at their own expense, from a reliable source, of the value any

5. Retroactive Payments

These monies are counted as an asset when retained into the month following the month of receipt.

EXCEPTION: When SSA requires the establishment of a dedicated account for past-due, monthly SSI payments, the amount in the dedicated fund is an excluded asset. This applies, when based on the amount, SSA is required to deposit the funds directly in the dedicated account and when funds are deposited there at the discretion of the representative payee. See Chapter 10 for treatment of disbursements from the dedicated account.

6. Low Profit From The Sale of An Asset

NOTE: This provision does not apply to vehicles, stocks, bonds and negotiable financial instruments.

In addition to assets which may be considered inaccessible according to the provisions in item 3 above, an asset which meets one of the following criteria is considered inaccessible and is, therefore, excluded because it cannot be sold for a significant return.

- The asset has an expected sale price of less than one half of the AG's applicable asset limit; or
- The cost of selling the asset will likely result in a return of less than one-half of the AG's asset limit. The AG's ownership interest must also be considered when determining the potential return.

This applies to a single asset, not to a combination of assets.

NOTE: An asset cannot be subdivided solely to obtain an exclusion as inaccessible.

7. Burial Funds

Burial funds in an irrevocable trust are excluded. When accessible to the AG, the amount of a pre-paid funeral agreement, up to a maximum of \$1,500 for each AG member, is excluded. The amount in excess of \$1,500 per person which is in an accessible burial fund, is an asset.

B. WV WORKS, AFDC MEDICAID and AFDC-RELATED MEDICAID

NOTE: When an asset is deemed, the full countable value is deemed with no disregards or deductions applied.