

PURE SNAP AG's

Every person included in the SNAP AG receives TANF-funded benefits or SSI or is authorized to receive information and referral services. Pure SNAP AG's are categorically eligible for SNAP benefits.

REBUTTAL

The process whereby the client refutes the Department's presumption of unrestricted access to resources.

RECREATIONAL VEHICLES AND EQUIPMENT

May include, but is not limited to, boats, snowmobiles, campers, camper-trailers, airplanes, and similar equipment that do not meet the definition of a vehicle and ATV's and similar vehicles that do not require licensing, even though they may be licensed. This does not include sporting equipment or toys. Also see VEHICLE.

RESOURCES

Income and assets.

RETIREMENT FUNDS

Funds in an individual account, pension fund or retirement plan, such as IRA's, KEOGH Plans, 401k's, SEP's and employer plans.

REVOCABLE

Capable of being revoked, retracted or annulled.

SPOUSES

Persons legally married to each other, under the provisions of State law, or those moving to West Virginia from states that recognize their relationship as a legal common-law marriage.

STOCKS

A security representing a share of ownership in a business or corporation.

TRUSTEE

Person or institution which holds legal title to property for the benefit or use of another.

TRUST

Any arrangement in which a grantor transfers property to a trustee(s) with the intention that it be held, managed or administered by the trustee(s) for the benefit of the grantor or certain designated individuals (beneficiaries). The trust must be valid under State law and manifested by a valid trust instrument or agreement. A trustee holds a fiduciary responsibility to manage the trust's corpus and income for the benefit of the beneficiaries. For Medicaid, the term trust also includes any legal instrument or device that is similar to a trust.

Legal Instrument Or Device Similar To A Trust: Any legal instrument, device or arrangement which may not be called a trust under State law, but which is similar to a trust. That is, it involves a grantor who transfers property to an individual or entity with the intention that it be held, managed or administered by the individual or entity for the benefit of the grantor or others. This may include, but is not limited to, escrow accounts, investment accounts, pension funds, and other similar entities managed by an individual or entity with fiduciary obligations.

UNCOMPENSATED VALUE

The Fair Market Value, less any outstanding loans, mortgages or other encumbrances on the asset, minus the amount of compensation received by the AG.

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, a transfer of resources penalty **or the excessive home equity provision** would deprive the individual of food, clothing, shelter or other necessities of life. The individual must have exhausted all means, legal and otherwise, to receive fair market value for the transferred asset and/or to regain the transferred asset. All means, legal or otherwise, refers to action through the court system and/or the voluntary return or recovery of the asset or item. Undue hardship does not exist when application of the trust or transfer of assets policy causes the individual inconvenience or might restrict his lifestyle, but would not put him at risk of serious deprivation.