



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1400 Virginia Street
Oak Hill, WV 25901

Earl Ray Tomblin
Governor

Rocco S. Fucillo
Cabinet Secretary

August 28, 2012

1-----

RE: -----
Action No: 12-BOR-1592

Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on -----'s hearing held August 22, 2012. Your hearing request was based on the Department of Health and Human Resources' denial of SSI-Related Medicaid for March 2012.

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 Health and Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

Eligibility for the SSI-Related Medicaid program is based on current policy and regulations. These regulations state that the asset limit for SSI-Related Medicaid is \$2,000 for a one person assistance group (WV Income Maintenance Manual § 11.3).

The information submitted at your hearing revealed that -----'s liquid assets were in excess of the allowable limit in March 2012 to qualify for SSI-Related Medicaid.

It is the decision of the State Hearing Officer to **uphold** the action of the Department to deny -----'s request to backdate SSI-Related Medicaid to March 2012.

Sincerely,

Kristi Logan
State Hearing Officer
Member, State Board of Review

cc: Chairman, Board of Review
Jim Phillips, Economic Service Supervisor

**WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BOARD OF REVIEW**

IN RE: -----,

Claimant,

v.

ACTION NO.: 12-BOR-1592

**WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,**

Respondent.

DECISION OF STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing for ----- held on August 22, 2012, by telephone conference. This hearing was held in accordance with the provisions found in the West Virginia Department of Health and Human Resources' Common Chapters Manual, Chapter 700. This fair hearing was convened on a timely appeal, filed June 13, 2012.

II. PROGRAM PURPOSE:

The SSI-Related Medicaid Program is a segment of the Medicaid Program available to individuals who meet the requirement of categorical relatedness by qualifying as either aged disabled, or blind as those terms are defined by the Social Security Administration for purposes of eligibility for SSI.

III. PARTICIPANTS:

-----, Authorized Representative, -----
Jim Phillips, Economic Service Supervisor

Presiding at the hearing was Kristi Logan, State Hearing Officer and a member of the Board of Review.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether or not the Department's denial of SSI-Related Medicaid for Claimant for March 2012 was correct.

V. APPLICABLE POLICY:

WV Income Maintenance Manual § 11.2, 11.3 and 11.4

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Case Comments (CMCC) from RAPIDS Computer System
- D-2 Liquid Assets Screen (AALA) from RAPIDS Computer System

VII. FINDINGS OF FACT:

- 1) Claimant was hospitalized in March 2012. His mother made an application for SSI-Related Medicaid on his behalf on April 8, 2012. During the course of the application, it was discovered that Claimant had a checking account with a balance in excess of \$5,000. After the asset limit for SSI-Related Medicaid was explained, Claimant's mother withdrew the application for Medicaid.
- 2) On April 10, 2012, Claimant's mother reapplied for SSI-Related Medicaid for Claimant. His checking account balance was verified to be \$1361.68 (D-2). Claimant's medical records were submitted to the state Medical Review Team for a disability determination. Claimant was approved medically and financially for SSI-Related Medicaid effective April 2012 (D-1).
- 3) -----, authorized representative for Claimant with -----, testified they were seeking Claimant's SSI-Related Medicaid be backdated to March 2012, the month in which he incurred medical bills. --- ----- stated Claimant had advised her that a portion of the monies in his checking account was his income tax return. ----- referred to policy that allows monies from federal income tax returns be exempt for a period of 12 months before it is counted as an asset.

----- was unable to obtain a copy of Claimant's federal tax returns and a bank statement to verify that money in excess of the allowable limit for Medicaid could be exempt. ----- stated Claimant had not returned her phone calls regarding the appeal prior to the hearing.
- 4) WV Income Maintenance Manual § 11.2 A(1) states:

The asset eligibility determination for these applications [for SSI-Related Medicaid] must be made as of the first moment of the month of application. The client is not eligible for any month in which countable assets are in excess of the maximum, as of the first moment of the

month. Increases in countable assets during one month do not affect eligibility unless retained into the first moment of the following month.

5) WV Income Maintenance Manual § 11.4 U(1) states:

Federal tax refunds and advance payments received January 1, 2010 through December 31, 2012 are not counted as an available resource for a period of 12 months following the month of receipt.

6) WV Income Maintenance Manual § 11.3 states:

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

SSI-Related Medicaid: Size of AG [assistance group] 1 - \$2,000
Size of AG 2 - \$3,000

Add \$50 to the asset maximum for each additional Needs Group member

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.

VIII. CONCLUSIONS OF LAW:

- 1) Policy dictates that an individual's countable assets must be at or below \$2,000 to qualify financially for SSI-Related Medicaid.
- 2) Claimant's checking account balance was verified to be in excess of \$5,000 in March 2012. Claimant's representative failed to produce evidence that a portion of the money in his checking account was from a federal tax return, which would exempt that portion of the asset for 12 months.
- 3) Based on the information provided at the time of Claimant's application for SSI-Related Medicaid, the Department denied Claimant financial eligibility due to excessive assets.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to deny Claimant's request to have SSI-Related Medicaid backdated to March 2012.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 28th day of August 2012

Kristi Logan
State Hearing Officer