



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
9083 Middletown Mall  
White Hall, WV 26554

Earl Ray Tomblin  
Governor

Michael J. Lewis, M.D., Ph.D.  
Cabinet Secretary

March 27, 2012

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Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held March 23, 2012. Your hearing request was based on the Department of Health and Human Resources' action to deny your application for SSI-Related Medicaid based on excessive assets.

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 SSI-Related is based on current policy and regulations. Some of these regulations state that the maximum allowable asset limit for an SSI-Related Medicaid assistance group of two (2) is \$3,000.

Information submitted at your hearing reveals that your countable assets exceed \$3,000.

It is the decision of the State Hearing Officer to **uphold** the action of the Department in denying your application for SSI-Related Medicaid based on excessive assets.

Sincerely,

Thomas E. Arnett  
State Hearing Officer  
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review  
Dorothy Ellison-Hunter, WVDHHR

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

-----,

**Claimant,**

v.

**Action Number: 12-BOR-611**

**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 ----- . This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened on March 23, 2012 on a timely appeal filed February 10, 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:**

-----, Claimant

Dorothy Ellison-Hunter, Family Support Supervisor (FSS), WVDHHR

Presiding at the Hearing was Thomas E. Arnett, State Hearing Officer and a member of the State Board of Review.

**IV. QUESTION TO BE DECIDED:**

The question to be decided is whether the Department was correct in denying the Claimant's application for SSI-Related Medicaid based on excessive assets.

**V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual, Section 11.3 and 10.22

**VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:**

**Department's Exhibits:**

- DHS-1 Claimant's Request for Fair Hearing (DFA-FH-1) filed 2/10/12
- DHS-2 Notice of Decision dated 2/6/12
- DHS-3 Hearing/Grievance Request Notification Form (IG-BR-29)
- DHS-4a Vehicle Asset – 2002 Jeep Cherokee valued at \$4,671
- DHS-4b Vehicle Asset – 2006 Camper Trailer valued at \$500
- DHS-4c Vehicle Asset – 2003 Toyota Tacoma valued at \$5,910
- DHS-4d Liquid Assets – Checking account (not verified) \$100
- DHS-5 Claimant's income secured on 2/3/12
- DHS-6 West Virginia Income Maintenance Manual, 11.3 (Maximum Allowable Assets) and 10.22 (SSI-Related Medicaid - Income)
- DHS-7 Department Summary, -----, State Fair Hearing

**VII. FINDINGS OF FACT:**

- 1) The Claimant completed an application for adult Medicaid while at the hospital on January 31, 2012. The Assistance Group (AG) consisted of the Claimant and his wife. Because there were no minor children in the home, the only Medicaid coverage available to the Claimant was SSI-Related Medicaid.
- 2) On or about February 6, 2012, the Department of Health and Human Resources, hereinafter Department, notified the Claimant (DHS-2) that his January 31, 2012 application for SSI-Related Medicaid was denied. This notice indicates that the Claimant's application was denied because the AG's income and assets exceed Medicaid Program eligibility limits.

The Department acknowledged, however, that the denial based on income is not completely accurate as the Claimant could have qualified for a spenddown (out of pocket deductible) if he was found to be otherwise eligible (asset and medically eligible). Because asset eligibility could not be established, the Department did not submit the Claimant's medical records for a medical disability determination.

- 3) The Department contends that the Claimant's verified assets (Exhibits DHS-4a through DHS-4c) place him over the maximum allowable asset limit of \$3,000 for an AG of 2. The Department noted that policy provides for the exclusion of one vehicle, and because Toyota Tacoma held the highest value (DHS-4c), it was excluded from the countable asset calculation. However, the remaining assets found in Exhibits DHS-4a (2002 Jeep Cherokee valued at \$4,671) and DHS-4b (2006 Camper Trailer valued at \$500) place the Claimant well over the asset limit and according to the Department's representative, the balance of the AG's checking account (DHS-4d) was never verified. The Department noted that Kelley Blue Book is consulted to determine the value of vehicles, and the lowest estimate listed was used to determine the value of the 2002 Jeep Cherokee due to the vehicle having high mileage.

- 4) The Claimant testified that he understands the asset policy but does not agree with it. The Claimant testified that he is not trying to apply for disability or to have all his bills paid, he is just asking for some assistance with the existing medical bills that have accrued due to his illness. The Claimant indicated that he intends to return to work and will continue to need both of his vehicles for transportation. Specific to the value assigned to his countable assets, the Claimant noted that the assessment of the 2002 Jeep Cherokee might be an overestimate, however, there was no evidence submitted to dispute the Department's findings.
- 5) West Virginia Income Maintenance Manual, Chapter 11.3 provides that the maximum allowable asset limit for an AG of two (2) is \$3,000.

**VIII. CONCLUSIONS OF LAW:**

- 1) Pursuant to the regulations, the maximum allowable asset limit for an SSI-Related Medicaid AG of two (2) is \$3,000.
- 2) Evidence submitted at the hearing reveals that the Claimant's countable assets at the time of application were in excess of \$5,000.
- 3) While the Claimant's circumstance is clearly unfortunate, the Department has correctly applied Medicaid asset policy.

**IX. DECISION:**

It is the decision of the State Hearing Officer to **uphold** the action of the Department in denying the Claimant's application for SSI-Related Medicaid based on excessive assets.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this \_\_\_\_\_ Day of March, 2012.**

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**Thomas E. Arnett  
State Hearing Officer**