



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

Karen L. Bowling
Cabinet Secretary

January 14, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 14-BOR-3663

Dear Ms. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

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.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Kristi Logan
State Hearing Officer
Member, State Board of Review

Encl: Claimant's Recourse to Hearing Decision
Form IG-BR-29

cc: Murriel Hylton, Economic Service Supervisor

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

██████████,

Claimant,

v.

Action Number: 14-BOR-3663

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

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing was convened on January 8, 2015, on an appeal filed October 15, 2014.

The matter before the Hearing Officer arises from the October 3, 2014, decision by the Respondent to terminate the Claimant's Medicaid Work Incentive Program (M-WIN) benefits.

At the hearing, the Respondent appeared by Murriel Hylton, Economic Service Supervisor. The Claimant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing/Grievance Request Notification
- D-2 Hearing Request received October 14, 2014
- D-3 Notice of Decision dated October 3, 2014, Verification Request dated September 17, 2014, and Correspondence from Claimant dated September 28, 2014
- D-4 NADAguides.com Price Reports
- D-5 WV Income Maintenance Manual §23.11A
- D-6 Department's Summary

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) The Claimant submitted a redetermination form for M-WIN benefits on September 17, 2014. The redetermination form indicated that the Claimant had several vehicles, and the combined values of these vehicles were excessive for the Claimant to continue receiving M-WIN benefits.
- 2) The Department issued a Verification Checklist (D-3) to the Claimant to obtain estimates for the vehicles if she did not agree with the values on record. The Claimant was unable to obtain estimates for these vehicles, so the Department used the lowest amount available through NADA.com to determine the Claimant's vehicle assets. The Claimant's countable assets exceeded \$7,000.
- 3) A Notice of Decision was issued on October 3, 2014, advising the Claimant that M-WIN benefits would be terminated effective November 2014 due to excessive assets.
- 4) The Claimant did not dispute the values assigned to her vehicles by the Department, but felt that the asset limit for M-WIN should be higher. The Claimant contended that she is disabled and needs medical coverage.

APPLICABLE POLICY

WV Income Maintenance Manual §23.11 states that the asset limit for M-WIN is \$3,000 for an individual who resides with a legal spouse.

WV Income Maintenance Manual §§11.NN and 1104VV, state that vehicles and recreational vehicles are countable assets for M-WIN Medicaid. One vehicle is excluded in determining total countable assets.

DISCUSSION

The Claimant's total countable assets exceeded the allowable limit for M-WIN Medicaid. The Claimant did not dispute the ownership of said assets or their values.

CONCLUSIONS OF LAW

Whereas the Claimant's assets exceeded the allowable limit as set forth in policy, the Claimant is no longer eligible to receive M-WIN Medicaid.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Department's termination of the Claimant's M-WIN Medicaid benefits.

ENTERED this 14th day of January 2015

**Kristi Logan
State Hearing Officer**