



**State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
Post Office Box 1736
Romney, WV 26757**

**Joe Manchin III
Governor**

**Martha Yeager Walker
Secretary**

January 13, 2006

Dear Mr. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held December 28, 2005. Your hearing request was based on the Department of Health and Human Resources' decision to deny your Food Stamp and Medicaid applications.

In arriving at a decision, the State Hearings 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 Food Stamp and Medicaid programs are based on current policy and regulations. Some of these regulations state as follows: To be eligible for Food Stamps the amount of countable assets cannot exceed \$2,000 or \$3,000 if elderly or disabled. To be eligible for SSI-Related Medicaid the amount of countable assets cannot exceed \$2,000 for a one person household.

The information, which was submitted at your hearing, revealed that you had a money market bank account in excess of \$25,000. at the time of the denials.

It is the decision of the State Hearing Officer to uphold the action of the Department to deny eligibility for Food Stamps and Medicaid.

Sincerely,

Sharon K. Yoho
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Myers, DHHR

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

_____,
Claimant,

v.

Action Number: 05-BOR- 6927 & 6928

**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 concluded on December 28, 2005 for _____. 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 December 28 on a timely appeal, filed October 28, 2005.

II. PROGRAM PURPOSE:

The Programs entitled Food Stamps and Medicaid are set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

The purpose of the Food Stamp Program is to provide an effective means of utilizing the nation's abundance of food "to safeguard the health and well-being of the nation's population and raise levels of nutrition among low-income households." This is accomplished through the issuance of EBT benefits to households who meet the eligibility criteria established by the Food and Nutrition Service of the U.S. Department of Agriculture.

The 1965 Amendments to the Social Security Act established, under Title XIX, a Federal-State medical assistance program commonly known as Medicaid. The Department of Health and Human Resources administers the Medicaid Program in West Virginia in accordance with Federal Regulations. The Bureau for Medical Services is responsible for development of regulations to implement Federal and State requirements for the program. The Department of Health and Human Resources processes claims for reimbursements to providers participating in the program.

III. PARTICIPANTS:

_____, claimant
Cynthia Myers, DHHR Family Support Supervisor

Presiding at the Hearing was Sharon K. Yoho, State Hearing Officer and a member of the State Board of Review.

IV. QUESTIONS TO BE DECIDED:

The question(s) to be decided is whether the Agency was correct in their actions to deny eligibility for the Food Stamp and Medicaid programs.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Policy § 11.1 and 11.3

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Notice of denial dated October 19, 2005
- D-2 Verification of Money Market account 8/17/05 thru 9/1/05
- D-3 West Virginia Income Maintenance Manual Policy § 4.2, 11.1, 11.3

VII. FINDINGS OF FACT:

- 1) Mr. _____ applied for Food Stamps and SSI related Medicaid on October 17, 2005. The claimant resides alone.
- 2) Mr. _____ reported to the caseworker that he had a money market account and a checking account in his name. The worker requested that a bank statement be provided showing the balance of the accounts. The claimant had a statement with him during the application process and presented it to the worker.
- 3) The bank statement showed a money market account balance of \$25,749.66 and a checking account balance of \$102.98.
- 4) The caseworker denied the Medicaid and Food Stamp application due to excessive countable assets.
- 5) A denial letter was mailed to the claimant on October 19, 2005, which prompted his hearing request on October 28, 2005.

- 6) Mr. _____ has concerns about his expenses for food and medical but he wants to keep the security of his bank accounts. His SSI benefits have also stopped due to this excessive amount of money in the bank. He indicates that he has never had much in his life and this money is the most he has ever had. He has been living on \$50. of interest that his account pays monthly because, he does not want to dwindle away the principle.
- 7) The claimant is aware of and understands the policies that cause him to be ineligible for the Food Stamp and Medicaid programs. Even though his home does not have adequate heat and does not have water available, he would rather live there free from expense than use his liquid assets to acquire housing that is more appropriate.
- 8) **West Virginia Income Maintenance Manual § 11.1 – Asset Definitions:**

Assets - Total real and personal property the client has available to meet financial needs, including the value of assets assigned from certain individuals. Assets may be liquid or non-liquid.
- 9) **West Virginia Income Maintenance Manual § 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 - \$2,000 all AG's except as below.
\$3,000 at least one member is age 60 or over, or is disabled,
according to Section 12.15 regardless of the size of the AG.

Medicaid (SSI-Related) - \$2,000 Assistance Group of one.

VIII. CONCLUSIONS OF LAW:

- 1) Policy is clear in Chapter 11.1 and 11.3 that the claimant's assets are excessive for both the Food Stamp and SSI-Related Medicaid programs. Mr. _____'s assets are liquid assets, which can be converted to cash to cover his financial needs.

IX. DECISION:

I find that the claimant was not eligible for Food Stamps or Medicaid at the time of his October 17, 2005 application. I rule to **uphold** the agency in its action to deny the claimant's application for these programs.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 13th Day of January 2006.

**Sharon K. Yoho
State Hearing Officer**