



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

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

June 23, 2008

Dear Mr. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held June 18, 2008. Your hearing request was based on the Department of Health and Human Resources' decision to deny your SSI-Related Medicaid application due to excessive assets.

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 SSI-Related Medicaid program is based on current policy and regulations. Some of these regulations state as follows: When a lump sum payment is received prior to the month of application, the amount remaining during the month of application is an asset (West Virginia Income Maintenance Manual § 11.4 W).

The information which was submitted at your hearing revealed that you had excessive assets to qualify for the SSI-Related Medicaid program.

It is the decision of the State Hearings Officer to **uphold** the decision of the Department to deny your SSI-Related Medicaid application.

Sincerely,

Kristi Logan
State Hearings Officer
Member, State Board of Review

Cc: Erika Young, Chairman, Board of Review
Muriel Hylton, Economic Service Supervisor

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

_____,
Claimant,

v.

Action Number: 08-BOR-1366

**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 June 18, 2008 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 June 18, 2008 on a timely appeal, filed May 2, 2008.

II. PROGRAM PURPOSE:

The Program entitled SSI-Related Medicaid is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

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
_____, Claimant's Friend

Muriel Hylton, Economic Service Supervisor

Presiding at the Hearing was Kristi Logan, 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 Department's decision to terminate Claimant's SSI-Related Medicaid application was correct.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual § 11.3 and 11.4

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Form IG-BR-29
- D-2 Hearing Request received May 2, 2008
- D-3 Notification Letter dated April 17, 2008
- D-4 West Virginia Income Maintenance Manual § 11.3
- D-5 Department's Case Summary

Claimants' Exhibits:

- C-1 ATM Receipt dated June 16, 2008

VII. FINDINGS OF FACT:

- 1) Claimant applied for SSI-Related Medicaid on March 17, 2008. Claimant reported yearly lump sum payments of \$17,919.23 from a 401k Plan which is deposited into his checking account. His account balance as of the date of application was \$8738.15. A notification letter was issued and read in part (D-3):

Your March 17, 2008 application for SSI-Related Medicaid for Aged, Blind and Disabled has been denied. The amount of assets is more than is allowed for this benefit.

- 2) Claimant testified that he has not worked in several years. He recently had surgery on his arm and needs to start physical therapy. He owes over \$40,000 in medical bills.

Claimant used to work for _____ and chose to have the money from his 401k Plan disbursed in five (5) yearly installments instead of a one time lump sum payment. He receives his yearly installment around November or December of each year and uses that money to live off of for the rest of the year. He did not dispute the fact that he had around \$8,000 in his checking account in March 2008 and presented an ATM receipt dated June 16, 2008 showing a balance of \$6938.02 (C-1).

- 3) West Virginia 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:

SSI-Related Medicaid

Size of Assistance Group	Asset Limit
1	\$2,000
2	\$3,000

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

- 4) West Virginia Income Maintenance Manual § 11.4 W states:

When a lump-sum payment is received prior to the month of application, the amount remaining during the month of application is an asset.

VIII. CONCLUSIONS OF LAW:

- 1) Policy dictates that when a lump sum payment is received prior to the month of application, the amount remaining during the month of application is counted as an asset. Claimant receives his yearly installment of his 401k Plan in November or December of each year. When Claimant applied for SSI-Related Medicaid in March 2008, he still had over \$8,000 left in his checking account.
- 2) The asset limit for SSI-Related Medicaid for an Assistance Group of one (1) is \$2,000. Claimant had excessive assets to qualify for SSI-Related Medicaid at the time of his application in March 2008.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to deny your SSI-Related Medicaid application due to excessive assets.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 23rd Day of June, 2008.

**Kristi Logan
State Hearing Officer**