



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

February 26, 2016



RE: [REDACTED] v. WVDHHR
ACTION NO.: 16-BOR-1152

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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

cc: Jennifer Cline, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 16-BOR-1152

**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 February 24, 2015, on an appeal filed January 26, 2015

The matter before the Hearing Officer arises from the January 19, 2016 decision by the Respondent to terminate the Appellant's benefits under the SSI-Related Medicaid Program.

At the hearing, the Respondent appeared by Jennifer Cline, Economic Service Worker, WVDHHR. The Appellant appeared pro se. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- | | |
|-----|---|
| D-1 | Appellant's hearing request information |
| D-2 | Notice of Decision dated January 19, 2016 |
| D-3 | West Virginia Income Maintenance Manual Chapter 11.3 |
| D-4 | American General Life and Accident Insurance Company policy information and bank statements |

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) On January 19, 2016, the Appellant was notified (D-2) that her SSI-Related Medicaid benefits would stop after January 31, 2016.
- 2) Jennifer Cline, Economic Service Worker (ESW) with the Department, testified that the Appellant completed a case review and indicated that she had a life insurance policy with cash surrender value. Documentation from American General Life and Accident Insurance Co. reveals that the cash surrender value of the whole life policy was \$5,250 as of January 4, 2016 (D-4). The policy has a face value of \$10,000. ESW Cline stated that the cash value of the policy, plus funds in the Appellant's bank account, brought the Appellant's total assets to \$6,085.42, which exceeds the \$2,000 asset limit for a one-person Medicaid Assistance Group.
- 3) The Appellant testified that she has had the life insurance policy for 30 years and it has never counted as an asset toward her Medicaid benefits in the past. ESW Cline indicated that the policy had not previously been entered into the Department's computer system. The Appellant stated that she has numerous health problems and her only recourse for paying medical expenses will be to cash in her life insurance policy.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 11.3 (D-3) states that the asset limit for a one-person SSI-Related Medicaid Assistance Group is \$2,000.

Chapter 11.4.Z of the Manual states that the cash value of life insurance policies is counted as an asset for SSI-Related Medicaid unless the face value totals \$1,500 or less.

DISCUSSION

Policy states that an individual must meet an asset test to qualify for the SSI-Related Medicaid Program, and the asset limit is \$2,000 for a one-person Assistance Group. The Department calculated the Appellant's total assets as \$6,085.42 during her case redetermination. Although the Appellant's life insurance policy was not previously counted as an asset in her case, policy clearly states that the cash value of life insurance policies with a face value of more than \$1,500 counts as an asset for SSI-Related Medicaid.

CONCLUSIONS OF LAW

Based on information provided during the hearing, the Department acted correctly in terminating the Appellant's SSI-Related Medicaid benefits based on excessive assets.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Department's action to terminate the Appellant's SSI-Related Medicaid benefits.

ENTERED this 26th Day of February 2016.

**Pamela L. Hinzman
State Hearing Officer**