



**STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of the Inspector General  
Board of Review**

**Sherri A. Young, DO, MBA, FAAFP  
Interim Cabinet Secretary**

**Sheila Lee  
Interim Inspector General**

July 12, 2023



RE: [REDACTED] v. WVDHHR  
ACTION NO.: 23-BOR-2006

Dear [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: Recourse to Hearing Decision  
Form IG-BR-29

cc: Jessica Koch, WVDHHR

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

██████████,

**Appellant,**

**v.**

**Action Number: 23-BOR-2006**

**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 July 11, 2023, on an appeal filed June 9, 2023.

The matter before the Hearing Officer arises from the June 2, 2023, decision by the Respondent to deny Medicare Premium Assistance Program benefits.

At the hearing, the Respondent appeared by Jessica Koch, Economic Services Supervisor, WVDHHR. The Appellant appeared *pro se*. The witnesses were placed under oath, and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Notice of Decision dated June 2, 2023
- D-2 Notice of Decision dated June 2, 2023
- D-3 West Virginia Income Maintenance Manual Chapter 5.4
- D-4 Assets Summary
- D-5 Assets Determination Summary
- D-6 Property tax information from ██████████ Sheriff's Tax Office

**Appellant's Exhibits:**

None

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 Appellant and her husband were recipients of Medicare Premium Assistance (MPA) benefits through the Specified Low-Income Medicare Beneficiary (SLIMB) Program.
- 2) The Respondent sent the Appellant a notice on June 2, 2023, indicating that SLIMB benefits would be terminated, and the Appellant's eligibility would be reevaluated for Medicaid programs (Exhibit D-1).
- 3) The Respondent sent the Appellant a second notice on June 2, 2023, indicating that MPA benefits were denied based on excessive assets (Exhibit D-2).
- 4) The Appellant owns non-homestead property valued at \$18,450 (Exhibits D-4, D-5, and D-6).
- 5) The Appellant has vehicle assets valued at \$10,255 (Exhibits D-4 and D-5).
- 6) The asset limit for the Medicare Premium Assistance Program is \$13,630 (Exhibit D-3).

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual Chapter 5.4 states that the asset limit for Medicare Premium Assistance Program benefits for a two-person Assistance Group is \$13,630 (Exhibit D-3).

West Virginia Income Maintenance Manual Chapter 5.5.7.B.1 states that up to \$6,000 of an individual's equity in personal or real income-producing property is excluded, if it produces a net annual income of at least 6% of the excluded equity.

West Virginia Income Maintenance Manual Chapter 5.5.39.B states that when the client's non-excluded real property is not used in a trade or business or does not meet the \$6,000 or the \$6,000/6% limitation, the equity in the property is an asset.

### **DISCUSSION**

Policy states that the asset limit for the Medicare Premium Assistance Program is \$13,630 for a two-person Assistance Group.

The Respondent's representative testified that the value of the Appellant's non-homestead property was calculated as \$18,450 based on property tax receipts reviewed by the Department. She indicated that property is assessed at 60 percent of its value and the Department calculates the property's full value by dividing the assessed value by .60.

The Appellant testified that she was unaware that the property was valued at that amount, but she has not had the property appraised and no documentation was presented to counter the Respondent's determined property value. There was no testimony to indicate that the non-homestead property produces income.

As the Appellant's non-homestead property value exceeds the asset limit for Medicare Premium Assistance Program benefits, the Respondent's decision to deny MPA benefits was correct.

### **CONCLUSIONS OF LAW**

- 1) The asset limit for a two-person MPA Assistance Group is \$13,630.
- 2) The Appellant's non-homestead property is valued at \$18,450.
- 3) The Appellant's countable assets are excessive for the MPA Program.
- 4) The Respondent's decision to deny MPA benefits was correct.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to deny Medicare Premium Assistance Program benefits.

**ENTERED this 12<sup>th</sup> day of July 2023.**

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**Pamela L. Hinzman**  
**State Hearing Officer**