



July 17, 2025



RE: [REDACTED] v. WVDohS  
ACTION NO.: 25-BOR-2236

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 Human Services. These same laws and regulations are used in all cases to ensure 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,

Eric L. Phillips  
State Hearing Officer  
Member, State Board of Review

Encl: Recourse to Hearing Decision  
Form IG-BR-29

cc: Kristyne Hoskins, BFA

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW**

██████████,

**Appellant,**

**v.**

**Action Number: 25-BOR-2236**

**WEST VIRGINIA DEPARTMENT OF  
HUMAN SERVICES  
BUREAU FOR FAMILY ASSISTANCE,**

**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 Office of Inspector General Common Chapters Manual. This fair hearing was convened on July 9, 2025, on an appeal filed with the Board of Review on June 10, 2025.

The matter before the Hearing Officer arises from the June 3, 2025 decision by the Respondent to terminate the Appellant's coverage for the Medicaid Work Incentive (MWIN) program.

At the hearing, the Respondent appeared by Kristyne Hoskins, Economic Service Worker Senior. Appearing as a witness for the Respondent was Emily Burke, Economic Service Worker. The Appellant was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

**Respondent's Exhibits:**

- D-1 Medical Assistance Redetermination dated March 13, 2025
- D-2 Bank Account and Pay Information
- D-3 Printout of Case Comments dated May 2, 2025
- D-4 Verification Checklist dated May 2, 2025
- D-5 Case Comments dated June 3, 2025
- D-6 Notice of Denial dated June 3, 2025
- D-7 West Virginia Income Maintenance Manual 27.2

**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 was a recipient of the Medicaid Work Incentive (MWIN) program.
- 2) The Appellant completed a redetermination for MWIN benefits on April 29, 2025. (Exhibit D-1)
- 3) The MWIN program has an asset limit of \$2000.00.
- 4) The Appellant reported a liquid asset of a savings account.
- 5) The Appellant provided an illegible copy of a bank statement as verification of his liquid assets. (Exhibit D-2)
- 6) On May 2, 2025, the Respondent requested verification of the Appellant's paystubs and liquid assets from the time period of March 26, 2025 through April 24, 2025, to be returned by June 1, 2025.
- 7) The Respondent utilized an Asset Verification System to verify the Appellant's liquid assets attributed to his social security number.
- 8) The Asset Verification System revealed that the Appellant owns a joint checking account with his son at [REDACTED]
- 9) The Appellant owns a joint checking account with his deceased mother at [REDACTED].
- 10) The Appellant owns a joint savings account with his son.
- 11) The Appellant owns a credit union account with the [REDACTED] with a balance of \$5.00. (Exhibit D-2)
- 12) The Appellant's liquid assets were calculated at \$9932.97, after a single person asset exclusion of \$5000.00.

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual Chapter 26.7.1 documents:

The asset limit for Medicaid Work Incentive (MWIN) is:

- \$2,000 for a single individual.
- \$3,000 for an individual who lives with his legal spouse. Total countable assets of the couple are combined to determine asset eligibility.

West Virginia Income Maintenance Manual Chapter 26.7.3.B documents:

Liquid assets in the amount of \$5,000 for an individual or \$10,000 for a legally married couple are excluded when determining total countable assets. Liquid assets are cash or those payable in cash on demand. This includes checking or savings accounts and financial instruments such as, but not limited to, Certificates of Deposit (CD) or stocks and bonds that can be converted to cash within 20 work days. Federal, state, and local holidays are not work days.

West Virginia Income Maintenance Manual Chapter 6.3.6 documents:

The Asset Verification System (AVS) must be used to verify assets for Medicaid applicants and clients who qualify based on being aged, blind or disabled. These categories include MWIN.

West Virginia Income Maintenance Manual Chapter 7.3 documents in pertinent part:

Requires the verification of bank accounts, certificates of deposits, and other liquid assets at application and redetermination for all programs and coverage groups subject to an asset test.

## **DISCUSSION**

The Medicaid Work Incentive (MWIN) is a full coverage Medicaid group which assists individuals with disabilities in becoming independent of public assistance by enabling them to enter the workforce without losing essential medical care. Coverage for the MWIN program is subject to an asset test. The asset limit for the MWIN program is \$2,000 for a single individual.

On June 3, 2025, the Respondent denied the Appellant's coverage for the MWIN program due to excessive assets. The Appellant appeals the Respondent's decision. The Respondent must prove by a preponderance of evidence that the Appellant's assets exceeded the limits set forth by governing policy.

On April 29, 2025, the Appellant completed a redetermination for his continued eligibility with the MWIN program. The Appellant provided illegible bank statements (Exhibit D-2) for his asset eligibility determination. Due to difficulties with the illegible verifications, the Respondent utilized an Asset Verification System (AVS) to determine all assets associated with the Appellant's social security number. A May 2025 inquiry with the AVS yielded two jointly owned accounts to the Appellant. A checking account totaling \$1347.19 and a savings account totaling \$13585.78, with [REDACTED].

The Appellant did not offer any dispute to the asset determination amount. The Appellant acknowledged the jointly owned account with his son and identified another jointly owned account with his deceased mother; however, he provided no testimony to the corresponding amounts. Additionally, the Appellant owns an account with the [REDACTED] (Exhibit D-2) with a minimal account balance, in which the Respondent testified would not appear on the AVS inquiry.

Governing policy mandates a \$2,000 asset limit for a single individual for the MWIN program. Policy allows that liquid assets in the amount of \$5,000 for a single individual are excluded when determining total countable assets. The Appellant presented assets totaling \$14,932.97, through an inquiry with the AVS. After an asset exclusion of \$5,000, the Appellant's countable assets totaled \$9,932.97. Because the Appellant's total countable assets exceed the asset limit set forth by policy, the Respondent was correct in its decision to deny the Appellant's coverage for the MWIN program.

### **CONCLUSIONS OF LAW**

- 1) The MWIN program is a Medicaid program subject to an asset test.
- 2) The asset limit for the MWIN program for a single individual is \$2,000.
- 3) Policy allows an asset exclusion of \$5,000 for all liquid assets included cash, checking or savings accounts and certain certificates of deposits.
- 4) The Asset Verification System is utilized to determined countable assets for the MWIN program.
- 5) The Asset Verification System attributed \$14,932.97 in liquid assets to the Appellant.
- 6) After an asset exclusion of \$5,000, the Appellant's countable liquid assets of \$9,932.97 exceeded the asset limits set forth by governing policy.
- 7) The Respondent's decision to deny the Appellant's coverage for the MWIN program is affirmed.

### **DECISION**

It is the decision of the State Hearing Officer to uphold the decision of the Respondent to deny the Appellant's coverage for the MWIN Medicaid program.

**ENTERED this \_\_\_\_\_ day of July 2025.**

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Eric L. Phillips  
**State Hearing Officer**