



September 18, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS
ACTION NO.: 25-BOR-2603

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 people 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: Paula Broschart, WV DoHS

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

[REDACTED]

Appellant,

v.

Action Number: 25-BOR-2603

**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 [REDACTED]. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Office of Inspector General Common Chapters Manual. This fair hearing was convened on September 16, 2025.

The matter before the Hearing Officer arises from the June 23, 2025, decision by the Respondent to deny Long-Term Care Medicaid benefits.

At the hearing, the Respondent appeared by Paula Broschart, Long-Term Care Economic Service Worker, WV DoHS. The Appellant was represented by [REDACTED].

All witnesses were placed under oath, and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Appellant's savings account statement and withdrawal history
- D-2 Notice of Decision dated June 23, 2025

Appellant's Exhibits:

- A-1 Account statement from [REDACTED] and copy of Appellant's check dated May 31, 2025

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 resident of [REDACTED]
- 2) The Appellant's cost of care at the facility was covered by Medicare from February 11, 2025, through May 22, 2025.
- 3) The Appellant submitted an application for Long-Term Care Medicaid benefits to the Respondent on May 16, 2025.
- 4) The Appellant is the joint owner of a [REDACTED] savings account with her two sisters, [REDACTED] (Exhibit D-1).
- 5) The Appellant receives Social Security income of \$957 per month which is deposited into the savings account (Exhibit D-1).
- 6) Withdrawals of \$800 per month were made from the Appellant's savings account on January 3, 2025, January 29, 2025, March 4, 2025, April 9, 2025, and May 7, 2025. A withdrawal of \$1,200 was made on May 15, 2025 (Exhibit D-1).
- 7) The Respondent determined via bank statement that the Appellant had \$2,634.12 in liquid assets as of June 1, 2025 (balance obtained by using balance forward from December 31, 2024, adding five Social Security check deposits for the months of January through May 2025, adding interest income, and subtracting withdrawals) (Exhibit D-1).
- 8) The Appellant's countable assets, as calculated by the Respondent, exceeded the \$2,000 asset limit for Long-Term Care Medicaid for a one-person Assistance Group.
- 9) The Appellant wrote a check for \$957 to [REDACTED] on May 31, 2025; however, that check did not clear the Appellant's bank account until June 2, 2025 (Exhibits A-1 and D-1).
- 10) While processing the application, the Respondent's worker learned that the Appellant was a joint owner of two additional bank accounts with her siblings. No verification of the asset value of those accounts was provided by the Appellant, although no official Verification Checklist was issued by the Respondent. The Respondent corresponded with a [REDACTED] staff member via e-mail about the existence of the additional accounts.
- 11) The Respondent sent the Appellant a Notice of Decision on June 23, 2025, indicating that her Medicaid application was denied based on excessive assets (Exhibit D-2).
- 12) The Appellant is seeking retroactive Long-Term Care Medicaid coverage for the month of June 2025 only.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 24.8 states that applicants for nursing facility services must meet the asset test for their eligibility coverage groups, except for Modified Adjusted Gross Income (MAGI) groups.

West Virginia Income Maintenance Manual Chapter 5.4 states that the asset limit for a one-person Assistance Group for SSI Medicaid Groups is \$2,000.

West Virginia Income Maintenance Manual Chapter 5.5.4 states that bank accounts are countable assets for SSI Medicaid groups. Chapter 5.5.4.A states:

For a joint checking or savings account, or jointly owned time deposit, refer to the jointly owned assets section under each program of assistance. The current month's income deposited in accounts is not counted as an asset for that month. See Section 5.3. Checks dated or posted before the usual check receipt date are treated as if they were received in the usual month of receipt.

West Virginia Income Maintenance Manual Chapter 5.3.1.B states that for SSI Medicaid Groups, the asset determination must be made as of the first moment (defined as 12:00 a.m. of the first day) of the month of eligibility. The client is not eligible for any month in which countable assets are in excess of the limit, as of the first moment of the month.

If the applicant's assets, as of the first moment of the month, are within the asset limit, and during the month his assets increase to above the asset limit, he is still eligible for that month. The Worker may use any of the following items to determine first-of-the-month account balances:

- Printed or online bank statements and passbooks;
- The applicant's check register or any bank-issued document. This includes, but is not limited to, ATM transaction receipts and/or deposit and/or withdrawal receipts; and/or
- The account transaction history on a bank's automated telephone customer service line that provides complete transaction information, (i.e., deposits, withdrawals, cleared checks, and transfers to/from the account with transaction dates). When the applicant states that a check has not cleared the bank, the Worker may use any of the means listed above to verify that the funds are legally obligated.

SSI Medicaid Asset Eligibility Determination Example 2: Mr. Oak's bank statement shows a checking account balance of \$1,350 as of May 1, which combined with other countable assets is \$2,250 as of the first of the month. Mr. Oak states the statement balance includes his April rent check of \$500 to his landlord, but his landlord has not cashed the check. The Worker finds an entry for check number 1345 for \$500 written on April 25. He finds that check 1346 is cleared on the bank statement. The Worker also sees that Mr. Oak has written a \$500 check

for rent on the 25th of each month for the last six months. Because Mr. Oak wrote the check and legally obligated the funds in his account, and his records provide a complete and consistent picture of the account, the Worker deducts the amount of the uncashed check from the May 1 first-of-the-month balance as an encumbrance. The new checking account balance as of May 1 is \$850 and Mr. Oak is asset eligible.

West Virginia Income Maintenance Manual Chapter 5.6.3.B states that the treatment of jointly owned assets depends upon the relationship of the joint owners and whether or not all the joint owners are included in the Assistance Group. Chapter 5.6.3.B.4 states:

When all of the following conditions apply, jointly owned assets are counted in their entirety for each owner.

- Joint ownership is indicated by use of the word “OR.” See Section 5.3.4.
- The joint owners are not spouses.
- One of the joint owners is not an SSI recipient.
- The joint owners are not SSI Medicaid, M-WIN, CDCSP, PAC, QDWI, QMB, SLIMB, or QI-1 clients.
- The client has not successfully rebutted the presumption of full ownership.

DISCUSSION

Policy states that the countable assets of a one-person Long-Term Care Medicaid Assistance Group must not exceed \$2,000. If the applicant's assets, as of the first moment of the month, are within the asset limit, and during the month his assets increase to above the asset limit, he is still eligible for that month. The worker may determine first-of-the-month account balances by using bank statements, passbooks, check registers, other bank-issued documents, and account transaction history. When the applicant states that a check has not cleared the bank, the worker may use any of the means listed above to verify that the funds are legally obligated. The treatment of jointly owned assets depends upon the relationship of the joint owners, how joint ownership is stipulated on the account, and whether or not all of the joint owners are included in the Assistance Group.

The Respondent's representative, Paula Broschart, testified that the Appellant was ineligible for June 2025 Long-Term Care Medicaid benefits because the balance of her savings account as of June 1, 2025, was \$2,634.12 and exceeded the \$2,000 program asset limit. Ms. Broschart also questioned monthly withdrawals that were made from the Appellant's savings account in regard to potential asset transfer issues.

The Appellant's representatives provided verification that the Appellant wrote a check to the nursing home for \$957 on May 31, 2025, that was paid toward her balance with the facility. The Respondent contended that the \$957 cannot be deducted from the Appellant's savings account balance as of June 1, 2025, because the bank statement shows that the check did not clear until June 2, 2025. However, policy cites methods for verifying that funds have been legally obligated. The Appellant's representatives provided a copy of the Appellant's May 31, 2025, check for \$957 written to the facility, as well as an account statement from [REDACTED] to verify that

the money was credited to the Appellant's account with the facility on May 31, 2025. Therefore, \$957 can be deducted from the Appellant's savings account balance, bringing the asset total for the account to \$1,677.12 as of June 1, 2025.

The Respondent's representative learned during the application process that the Appellant is listed as a joint owner of two additional bank accounts with her sisters, but there is no verification of the balance of those accounts. Additionally, the joint ownership aspect of all bank accounts is unclear since the treatment of jointly owned assets depends upon the relationship of the joint owners and how joint ownership is specified on the accounts.

The June 1, 2025, balances of the additional joint bank accounts are unknown, the Appellant's share of ownership (whether it is full or proportionate) in **any** of the accounts cannot be determined, and the SSI and/or Medicaid recipient status of the additional joint owners is unknown. Therefore, the Respondent must send a Verification Checklist to the Appellant's representative, request joint ownership and account balance information, and recalculate the Appellant's assets as of June 1, 2025, accordingly.

CONCLUSIONS OF LAW

- 1) Policy states that the asset limit for Long-Term Care Medicaid for a one-person Assistance Group is \$2,000.
- 2) The Respondent determined that the Appellant's savings account balance as of June 1, 2025, was \$2,634.12; however, \$957 of that balance was an encumbrance for payment to [REDACTED] that had been made by the Appellant on May 31, 2025.
- 3) The \$957 encumbrance should have been deducted from the Appellant's \$2,634.12 savings account balance.
- 4) The specification of joint ownership on the Appellant's savings account and the SSI/Medicaid recipient status of the other joint owners is unknown, so the Hearing Officer cannot determine whether the savings account should be considered as the Appellant's asset in portion or in full.
- 5) The June 1, 2025, account balances in two other bank accounts in which the Appellant shares joint ownership is unknown, as well as the portion of the Appellant's ownership in the accounts.
- 6) The Respondent must request verification of the two additional bank account balances as of June 1, 2025, and verify what portion of the jointly owned accounts can be attributed to the Appellant.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's action to deny the Appellant's Long-Term Care Medicaid benefits for June 2025. The case is **REMANDED** to the Respondent to determine the Appellant's joint ownership attribution and determine the Appellant's total countable assets as of June 1, 2025.

ENTERED this 18th day of September, 2025.

Pamela L. Hinzman
State Hearing Officer