



November 5, 2025



RE: [REDACTED] v. WV DoHS  
ACTION NO.: 25-BOR-2860

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,

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

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

cc: Amy Watkins, WV DoHS

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

██████████,

**Appellant,**

v.

**Action Number: 25-BOR-2860**

**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 West Virginia Office of Inspector General Common Chapters Manual. This fair hearing was convened on October 29, 2025.

The matter before the Hearing Officer arises from the July 28, 2025, decision by the Respondent to terminate Aged/Disabled Waiver Medicaid benefits.

At the hearing, the Respondent appeared by Amy Watkins, Economic Service Worker, WV DoHS. The Appellant was self-represented. All witnesses were sworn, and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Notice of Decision dated July 28, 2025
- D-2 Veterans Administration award letter dated March 13, 2024
- D-3 Medicaid redetermination form dated April 15, 2024

**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, age 67, is a recipient of Aged/Disabled Waiver (ADW) Medicaid benefits.
- 2) The Appellant completed an ADW Waiver case redetermination in May 2024 (Exhibit D-3).
- 3) At the time of redetermination, the Appellant reported the receipt of Veterans Administration (VA) Disability benefits (Exhibit D-3).
- 4) The Respondent failed to enter the Appellant's VA benefits as income in his ADW Medicaid case.
- 5) The Respondent later determined that the Appellant's income was excessive and he had been receiving ADW Medicaid benefits in error.
- 6) The Respondent sent the Appellant a Notice of Decision on July 28, 2025, indicating that his ADW Medicaid benefits would be terminated effective September 2025 based on excessive income (Exhibit D-1).
- 7) The Respondent is receiving continued ADW benefits pending a hearing decision.
- 8) The Respondent receives VA benefits of \$3,870.59 per month and Social Security benefits of \$1,472 per month for a total gross income of \$5,342.59 per month (Exhibit D-2).

## **APPLICABLE POLICY**

West Virginia Income Maintenance Manual Chapter 4.3.1 states that veterans compensation or pension is considered as unearned income for SSI-Related Medicaid Programs, with the following exceptions:

Some VA payments are based on need, and are, therefore, not subject to the SSI \$20 income disregard. They are excluded from income which is deemed. See Section 4.14.2 and Section 4.14.4.

Payments based on need are:

- Pensions paid to veterans, except by an act of Congress or to a Medal of Honor recipient
- Compensation paid to a surviving parent

Payments not based on need are compensation payments to a veteran, spouse, child or widow(er). EXCEPTION: Any portion of the VA benefit which is paid as Aid and Attendance, Housebound or Unusual Medical Expense allowance is excluded.

West Virginia Income Maintenance Manual Chapter 23.11.5.C states that to determine financial eligibility for the ADW Program, the client's monthly gross non-excluded income is compared to 300% of the maximum SSI payment for a single individual.

West Virginia Income Maintenance Manual Chapter 4, Appendix A, states that 300% of the maximum SSI payment for one person is \$2,901 per month.

### **DISCUSSION**

To determine financial eligibility for the ADW Program, policy states the client's monthly gross non-excluded income is compared to 300% of the maximum SSI payment for a single individual (\$2,901 per month). Veterans compensation is considered as unearned income for SSI-Related Medicaid Programs, except for benefits paid as Aid and Attendance, Housebound or Unusual Medical Expense allowances.

The Respondent's representative testified that the Appellant's ADW benefits were terminated because his income exceeds the \$2,901 income limit for the program.

The Appellant testified that he provided his VA disability income information to the Respondent in April 2024 and was told by two people at the [REDACTED] DoHS office that the income was not countable for ADW Medicaid purposes. The Appellant stated that he is considered 100 percent disabled, he resides with his son and daughter-in-law, and that he cannot be left alone because he is at risk of falls. He indicated that his daughter-in-law helps provide care for him and that he wanted her to be paid for the care. The Appellant testified that he believes it is unfair for his ADW benefits to be terminated.

The Respondent's representative testified that she is uncertain about who informed the Appellant that his VA income does not count for ADW Medicaid purposes, but that information was incorrect and the Respondent erred in failing to count the income at the time of the Appellant's 2024 case review. She indicated that the VA income does not count for Modified Adjusted Gross Income (MAGI) Adult Medicaid.

As VA benefits are considered as countable income for ADW Medicaid purposes, the Respondent's decision to terminate the Appellant's ADW benefits is correct.

### **CONCLUSIONS OF LAW**

- 1) To be eligible for ADW Medicaid benefits, an individual's income must not exceed \$2,901 (300% of the maximum SSI payment for one person) per month.
- 2) The Appellant's income exceeds the ADW Program monthly income limit for one person.
- 3) The Respondent's decision to terminate ADW Medicaid benefits is correct.

**DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the action of the Respondent to terminate the Appellant's ADW Medicaid benefits.

ENTERED this 5th day of November 2025

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