



November 4, 2025

[REDACTED]

RE: [REDACTED] v. DoHS/BFA
ACTION NO.: 25-BOR-3099

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,

Kristi Logan
Certified State Hearing Officer
Member, State Board of Review

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

cc: Katherine Hartwell, [REDACTED] County DoHS

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

[REDACTED]

Appellant,

v.

Action Number: 25-BOR-3099

**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 Office of Inspector General Common Chapters Manual. This fair hearing was convened on November 4, 2025.

The matter before the Hearing Officer arises from the October 10, 2025, decision by the Respondent to terminate Medicaid Work Incentive benefits due to excessive assets.

At the hearing, the Respondent appeared by Katherine Hartwell, [REDACTED] County DoHS. The Appellant was self-represented. The witnesses were placed under oath, and the following documents were admitted into evidence.

Department's Exhibits:

None

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 Medicaid Work Incentive (M-WIN) benefits.
- 2) The Appellant resides with her legal spouse.
- 3) The Appellant completed a redetermination of financial eligibility for M-WIN in October 2025.
- 4) The Appellant reported owning two vehicles, a 2015 Toyota Tacoma and a 2021 Toyota Tacoma.
- 5) The Respondent used Kelly Blue Book to determine the value of the vehicles: \$14,811 for the 2015 Toyota Tacoma and \$32,200 for the 2021 Toyota Tacoma.
- 6) The Respondent verified that there was no lien against the 2015 Toyota Tacoma, and the Appellant owed \$12,759 on the 2021 Toyota Tacoma.
- 7) The Respondent determined that the Appellant's total countable vehicle assets is \$19,441.
- 8) On October 10, 2025, the Respondent sent a notice to the Appellant advising that she would not receive M-WIN benefits after October 31, 2025, as the total countable assets exceeded the allowable asset limit.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 26 explains M-WIN eligibility:

26.7.1 Asset Limit

The asset limit for Medicaid Work Incentive (M-WIN) 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.**

26.7.2 List of Assets

Assets are treated according to the policy in Chapter 5 for Supplemental Security Income (SSI)- Related Medicaid.

West Virginia Income Maintenance Manual Chapter 5 explains asset eligibility:

5.5.48 Vehicles

Only those vehicles of members of the assistance group (AG), individuals who are disqualified or excluded by law and who would otherwise be required to be included, are considered when determining vehicle assets. A leased vehicle, in which the individual has no equity and which he cannot sell, is excluded. The trade-in value is usually used as

the Current Market Value (CMV) for AFDC-Related, SSI Medicaid Groups, and WV WORKS. The trade-in value is not increased by adding the value of low-mileage or other factors, such as optional equipment or special equipment for the disabled.

55.4.8.C SSI-Related Medicaid Groups

One vehicle is excluded as an asset for these coverage groups regardless of value, when it is used for transportation of the AG or a member(s) of the AG's household. For SSI-related policy, vehicles used for transportation include, but are not limited to, cars, trucks, motorcycles, boats, snowmobiles, animal-drawn vehicles, and animals. A temporarily disabled vehicle, normally used for transportation, also meets the criteria. The following do not meet the definition of a vehicle for SSI-related Medicaid groups:

- A vehicle with a junked title
- A vehicle only used for recreational purposes, such as a boat or snowmobile

When there is more than one vehicle, the vehicle exclusion is always applied in a manner that benefits the AG. The car with the highest value may not be the vehicle used for transportation; however, it may be excluded for that reason, if it is to the AG's advantage.

DISCUSSION

Policy stipulates that the asset limit for M-WIN is \$3,000 for a married individual who resides with a legal spouse. The value of one vehicle is excluded and the equity, if any, is counted as an asset for any additional vehicles.

The Appellant underwent a review of financial eligibility for M-WIN benefits in October 2025. The Respondent's witness, Katherine Hartwell, testified that when processing the Appellant's review, she discovered that both of the Appellant's vehicles had erroneously been excluded from asset calculations previously. Ms. Hartwell stated that she verified the amount owed on the 2021 Toyota Tacoma to determine the Appellant's equity of \$19,441. Ms. Hartwell stated the 2015 Toyota Tacoma does not have a lien, therefore the total value of the vehicle, \$14,811, was counted as an asset. Ms. Hartwell testified that the 2021 Toyota Tacoma was excluded as it has a higher value.

The Appellant contended that she has received M-WIN benefits for four years and has always provided the Respondent with accurate information. The Appellant expressed confusion as to why the vehicles she has owned while receiving M-WIN are now being counted against her. The Appellant stated she has multiple medical conditions that require treatment and requested that her M-WIN benefits be reinstated. The Appellant did not dispute the value of the vehicles or the amount owed on the 2021 Toyota Tacoma.

The Board of Review does not have the authority to grant exclusions to policy and can only rule on whether the Respondent followed existing policy in the termination of M-WIN benefits.

Policy permits the exclusion of one vehicle from asset calculations for M-WIN benefits. The Respondent excluded the vehicle with the highest value, the 2021 Toyota Tacoma, from asset calculations and correctly counted the value of the 2015 Toyota Tacoma as an asset. Whereas the

2015 Toyota Tacoma value of \$14,811 exceeds the allowable asset limit of \$3,000, the Respondent acted in accordance with policy in the termination of M-WIN benefits.

CONCLUSIONS OF LAW

- 1) The asset limit for M-WIN benefits for an individual residing with a legal spouse is \$3,000.
- 2) The Respondent excluded the vehicle of highest value from asset calculations.
- 3) The value of the Appellant's second vehicle is \$14,811.
- 4) The Appellant's total countable assets exceed the allowable limit to continue receiving M-WIN benefits.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to terminate the Appellant's Medicaid Work Incentive benefits due to excessive assets.

ENTERED this 4th day of November 2025.

Kristi Logan
Certified State Hearing Officer