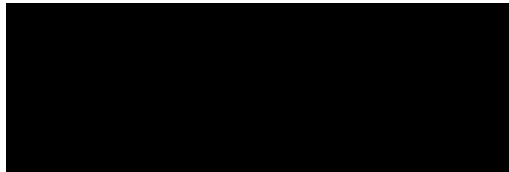




December 11, 2025



RE: [REDACTED] v. WV DoHS/BFA  
ACTION NO.: 25-BOR-3202

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-3202**

**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 December 9, 2025.

The matter before the Hearing Officer arises from the June 23, 2025, decision by the Respondent to deny Long-Term Care Medicaid benefits. A hearing on the matter was previously held on September 16, 2025, at which time the Hearing Officer reversed the Respondent's June 23, 2025, decision to deny Long-Term Care Medicaid benefits for June 2025. The case was remanded to the Respondent to determine the Appellant's joint ownership attribution and determine total countable assets as of June 1, 2025. The Respondent calculated the Appellant's assets as of June 1, 2025, and determined that the assets remained excessive. The Appellant filed a hearing request to appeal the denial on October 28, 2025.

At the hearing, the Respondent appeared by Paula Broschart, Long-Term Care Economic Service Worker, WV DoHS. The Appellant was represented by [REDACTED] Appellant's authorized representative, [REDACTED] and [REDACTED], Billing Office Supervisor, [REDACTED]. All witnesses were placed under oath, and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 West Virginia Income Maintenance Manual Chapters 5.4, 5.3.4, 5.6.3.B.4, and 24.8
- D-2 Bank Statement for [REDACTED]
- D-3 Bank Statement for [REDACTED]
- D-4 Bank Statement for [REDACTED]

**Appellant's Exhibits:**

- A-1 Verification Checklist dated September 17, 2025
- A-2 Bank Statement for [REDACTED]
- A-3 Bank Statement for [REDACTED]
- A-4 Bank Statement for [REDACTED]
- A-5 Electronic mail transmission dated September 30, 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] Healthcare.
- 2) The Appellant applied for Long-Term Care Medicaid benefits with the Respondent on May 16, 2025.
- 3) At the time of application, the Appellant was the joint owner of a bank account [REDACTED] with her sisters, [REDACTED] (Exhibits D-2 and A-3).
- 4) The Appellant was the joint owner of a bank account [REDACTED] with [REDACTED] and the joint owner of a bank account [REDACTED] with [REDACTED] (Exhibits D-3, D-4, A-2, and A-4).
- 5) The balance of bank account [REDACTED] effective June 1, 2025, was computed by the Respondent as follows: ending balance on May 27, 2025, = \$2,634.12. \$2,634.12 minus \$957 Social Security income received by the Appellant on May 23, 2025, = \$1,677.12. \$1,677.12 minus \$957 encumbrance for a payment to [REDACTED] made by the Appellant on May 31, 2025, = \$720.12 (Exhibits D-2 and A-3) .
- 6) The balance of bank account [REDACTED] effective June 1, 2025, was computed by the Respondent as follows: ending balance on May 27, 2025, = \$864.29. \$864.29 minus pension income of \$63.90 received by [REDACTED] on May 27, 2025, = \$800.39 (Exhibits D-3 and A-2) .
- 7) The balance of bank account [REDACTED] effective June 1, 2025, was computed by the Respondent as \$514.38. No deductions for Social Security or Supplemental Security Income (SSI) received by [REDACTED] were given, although it appeared that [REDACTED] Social Security and SSI payments for May 2025 were deposited on April 29, 2025, and April 30, 2025 (Exhibits D-4 and A-4).
- 8) The Respondent calculated total bank account assets attributable to the Appellant as \$2,034.89 for the month of June 2025.

- 9) 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.

West Virginia Income Maintenance Chapter 5.6.B.2. states that treatment of assets jointly owned with an SSI recipient depends on the type of asset.

➤ Bank Accounts - When the joint owner, who is an SSI recipient, does not successfully rebut the presumption of ownership through SSA, all account funds are considered to belong totally to the SSI recipient. Otherwise, the portion that SSA determines not to be his due to his successful rebuttal is considered to belong to the other joint owner(s).

West Virginia Income Maintenance Manual Chapter 5.3.2 states that money counted as income when received becomes an asset if retained within the month after the month of receipt.

## **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, whether or not one of the joint owners is an SSI recipient, and whether all of the

joint owners are included in the Assistance Group. Money counted as income when received becomes an asset if retained within the month after the month of receipt. The current month's income deposited in accounts is not counted as an asset for that month. **Checks dated or posted before the usual check receipt date are treated as if they were received in the usual month of receipt [emphasis added].**

The Respondent's representative, Economic Service Worker Paula Broschart, testified that the Appellant was ineligible for June 2025 Long-Term Care Medicaid benefits because the balance of her joint bank accounts as of June 1, 2025, exceeded the \$2,000 program asset limit. She calculated the total combined asset value of the accounts as \$2,034.89.

The Appellant's representatives contended that the Appellant's sisters' bank accounts should not count as the Appellant's assets, that [REDACTED] receives SSI and her bank account should not be attributed to the Appellant, and that [REDACTED] received her May Social Security and SSI income deposits early on April 29, 2025, and April 30, 2025.

In examining bank account [REDACTED] (owned by [REDACTED] and the Appellant), the pattern of receipts demonstrates that Social Security and SSI payments to [REDACTED] are deposited at the end of the month for the following month. [REDACTED] Social Security and SSI payments intended for May 2025 were deposited on April 29, 2025, and April 30, 2025. Ms. Broschart contended that the bank statement did not show any income deposits for May 2025; however, the bank statement date of May 27, 2025, would not account for deposits made from May 28, 2025, to May 31, 2025 (which would have been considered as June 2025 income). [REDACTED] Social Security and SSI payments of \$500 and \$470.84 (received on April 29, 2025, and April 30, 2025) for the month of May 2025 should not have been considered in the bank account's value and should be deducted from the May 27, 2025, ending balance of \$514.38. This leaves zero countable asset value for bank account [REDACTED].

As the remaining bank account assets are \$720.12 from account [REDACTED] and \$800.39 from account [REDACTED], the Appellant's countable bank account assets as of June 2025 were \$1,520.51.

The Respondent's decision to deny the Appellant's Long-Term Care Medicaid coverage for June 2025 cannot be affirmed as the Appellant's bank account assets were below the \$2,000 asset limit.

The issue of joint ownership consideration cannot be addressed because no bank documentation was provided to verify the joint ownership specification on all accounts (although the Respondent's representative indicated that [REDACTED] was previously able to make withdraws from the Appellant's account). In addition, there is no information to determine whether the presumption of ownership in the bank accounts had been rebutted through the Social Security Administration based on the receipt of SSI.

### **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 value of bank accounts shared by the Appellant and her sisters was \$1,520.51 as of June 1, 2025.
- 3) The Appellant's bank account assets fell below the asset limit for Long-Term Care Medicaid for June 2025.

### **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.

**ENTERED this 11th day of December, 2025.**

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