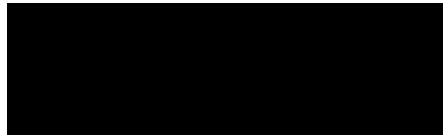




December 5, 2025



RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 25-BOR-3235 & 3236

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,

Lori Woodward, J.D.
Certified State Hearing Officer
Member, State Board of Review

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

cc: Anna Yoder, WV DoHS/BFA

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

[REDACTED]

Appellant,

v.

**Action Number: 25-BOR-3235
25-BOR-3236**

**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 December 3, 2025.

The matter before the Hearing Officer arises from the October 24, 2025 decision by the Respondent to deny the Appellant's Medicaid and Supplemental Nutrition Assistance Program (SNAP) benefit applications.

At the hearing, the Respondent appeared by Noelle Moore, Economic Service Worker Senior. The Appellant was self-represented. Appearing as a witness for the Appellant was her husband, [REDACTED]. The witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Denial Notices, dated October 24, 2025
- D-3 WV Income Maintenance Manual (WV IMM), Chapter 4, Appendix A
- D-4 Unearned Income Screen Print from PATH IE Production for [REDACTED]
- D-5 Unearned Income Screen Print from PATH IE Production for [REDACTED]

Appellant's Exhibits:

A-1 Written statement from Dr. [REDACTED] of [REDACTED] Eye Associates, dated November 13, 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) On September 23, 2025, the Appellant applied for SNAP and Medicaid assistance through the Respondent's online system, People's Access To Help (PATH). (Exhibit D-1)
- 2) The Appellant, who is 77 years old, receives monthly Social Security Disability/Wage Earner income of \$1,695, which was verified through the State On-Line Query (SOLQ) data exchange. (Exhibit D-4)
- 3) The Appellant's husband, [REDACTED], who is 76 years old, receives monthly Social Security Retirement income of \$2,460, which was verified by SOLQ. (Exhibit D-5)
- 4) The Respondent determined that the Appellant's Assistance Group (AG)'s net income to be \$3,679.
- 5) The net income limit for SNAP eligibility for an Assistance Group (AG) of 2 is \$1,704.
- 6) In determining the Appellant and her husband's eligibility for Medicaid assistance, the Respondent calculated their countable income as \$4,135 with assets equaling \$6,219.48.
- 7) The asset limit for a couple for SSI-Related Medicaid is \$3,000.
- 8) The income limit for MPA for an AG of 2 is 133% of the federal poverty level, or \$2,380.
- 9) On October 24, 2025, the Respondent sent notification to the Appellant that their AG was over the income limit for SNAP and over the income and asset limits for Medicaid and MPA benefits. (Exhibit D-2)

APPLICABLE POLICY

MEDICAID

WV IMM, Chapter 3, §3.17, ***SSI-Related Medicaid And SSI-Related/Non-Cash Assistance:***

§3.17.1.A Who Must Be Included? Only the aged, blind, or disabled individual and his eligible aged, blind, or disabled spouse must be included, except when the spouse resides

in a nursing facility or intermediate care facility for individuals with intellectual disabilities (ICF/IID).

§3.17.3.A.2 Eligible Spouses – No Medicaid LTC Services: The income limit for two persons is used

WV IMM, Chapter 23, §23.11, *Aged, Blind, Or Disabled*:

Income limit is SSI Payment Level, Asset limit is \$2,000 Individual and \$3,000 Couple.

§23.11.3, SSI-Related:

Individuals who meet the SSI definition of aged, blind or disabled are eligible for Medicaid when all of the following conditions are met. Aged means 65 years or over.

- Countable income is under the Medically Needy Income Limit (MNIL). The income eligibility requirement is detailed in Chapter 4. However, no SSI-Related case is denied due only to excess income. Instead, the Worker must deduct incurred medical bills from countable income for the six-month Period of Consideration. This process is called spenddown and details of this procedure are in Chapter 4.

Eligibility and the amount of the spenddown, if any, are determined using the MNIL. The level of the MNIL is determined by each state according to federal guidelines. By law, the MNIL cannot exceed 133% of the State's former AFDC cash assistance payment level, rounded to the nearest \$100, for a family of the same size. • Countable assets do not exceed the limits described in Chapter 5. An aged, blind, or disabled person may also be eligible as a member of an AFDC-Related family. The Worker must take the action that will most benefit the client.

§23.11.4, SSI-Related/Non-Cash Assistance: Individuals who meet the SSI definition of aged, blind, or disabled are eligible for Medicaid when all of the following conditions are met. Aged means 65 years or over. All requirements in Chapter 13 for determining disability or blindness for SSI-Related coverage groups apply to this coverage group:

- Countable income must be under the SSI Maximum Payment level; see Chapter 4, Appendix A. The SSI-Related income eligibility determination methodology detailed in Section 4.14 applies to this coverage group. Income sources are the same as those in the SSI-Related column in the chart of income sources in Section 4.3 for this coverage group.
- Countable assets do not exceed the limits for the SSI-Related program described in Chapter 5. All SSI-Related asset methodologies found in Chapter 5 apply to this coverage group. Assets are the same as those in the SSI-Related group's column in the list of assets in Chapter 5.5 for this coverage group.

MEDICARE PREMIUM ASSISTANCE:

WV IMM, Chapter 3, §3.15, *QMB, SLIMB, AND QI-1*:

§3.15.1, The Assistance Group (AG): When eligible spouses are both members of the AG, they must receive the same level of coverage, QMB, SLIMB, or QI-1.

§3.15.1.A, Who Must Be Included? Only the individual or spouses who are eligible for QMB, SLIMB, or QI-1 are included in the AG.

§3.15.2.B, Eligible Spouses – No Medicaid Long Term Care (LTC) Services: Count the income of both individuals

See, also, WV IMM, Chapter 23, §23.12, *et. seq.*

WV IMM, Chapter 4, §4.12.1 Determining Eligibility: Countable income is determined as follows:

Step 1: Determine the total countable gross unearned income and subtract the appropriate disregards and deductions. See Section 4.14.2.

Step 2: Determine the total countable gross earned income and subtract the appropriate disregards and deductions. See Section 4.14.2.

Step 3: Add the results from Step 1 and Step 2 to achieve the total monthly countable income.

Step 4: Compare the amount in Step 3 to the QMB, SLIMB, or QI-1 income levels for the appropriate number of persons. See Section 4.14 for SSI-Related deeming procedures. If the amount is less than or equal to the QMB, SLIMB, or QI-1 income levels, the client(s) is eligible.

Eligibility for these coverage groups is determined as follows:

- Qualified Medicare Beneficiary (QMB) – Income is less than or equal to 100% Federal Poverty Level (FPL).
- Specified Low Income Medicare Beneficiary (SLIMB) – Income is greater than 100% FPL, but less than or equal to 120% FPL.
- QI-1 – Income is greater than 120% FPL, but less than or equal to 135% FPL.

WV IMM, Chapter 4, Appendix A lists income limits:

100% FPL for a two-person assistance group: \$1,763

120% FPL for a two-person assistance group: \$2,115

135% FPL for a two-person assistance group: \$2,380

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM:

Code of Federal Regulations, 7 CFR §273.9, in part:

(a) **Income eligibility standards.** Participation in SNAP shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for SNAP. Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for SNAP. Households which are categorically eligible do not have to meet either the gross or net income eligibility standards.

(1) The gross income eligibility standards for SNAP shall be as follows:

(i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia.

...

(2) The net income eligibility standards for SNAP shall be as follows:

(i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be the Federal income poverty levels for the 48 contiguous States and the District of Columbia.

...

- (3) The income eligibility limits, as described in this paragraph, are revised each October 1 to reflect the annual adjustment to the Federal income poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii.
 - (i) 130 percent of the annual income poverty guidelines shall be divided by 12 to determine the monthly gross income standards, rounding the results upwards as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is multiplied by 130 percent, divided by 12, and the results rounded upward if necessary.
 - (ii) The annual income poverty guidelines shall be divided by 12 to determine the monthly net income eligibility standards, rounding the results upward as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is divided by 12, and the results rounded upward if necessary.
- (4) The monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS web site, at www.fns.usda.gov/snap

West Virginia Income Maintenance Manual § 4.4.3, in part:

The following steps are used to determine countable income for cases meeting the eligibility tests above.

- Step 1: Combine monthly gross countable earnings and monthly gross profit from self-employment.
- Step 2: Deduct 20% of Step 1.
- Step 3: Add the gross countable unearned income, including the WV WORKS benefit and any amount reduced or being repaid to WV WORKS due to failure to comply with a program requirement. See Section 4.4.4.
- Step 4: Subtract the Standard Deduction found in Appendix B.
- Step 5: Subtract allowable Dependent Care Expenses.
- Step 6: Subtract the amount of legally obligated child support actually paid.
- Step 7: Subtract the Homeless Shelter Standard Deduction found in Appendix B.
- Step 8: Subtract allowable medical expenses in excess of \$35.
- Step 9: Calculate 50% of the remaining income and compare it to the actual monthly shelter/SUA amount.
- Step 10:

	No One Elderly or Disabled	At Least One Person Elderly or Disabled
Shelter/SUA Equal to Or Less Than Step 9	No further computation is needed. The amount from Step 8 is the countable income.	No further computation is needed. The amount from Step 8 is the countable income.
Shelter/SUA Greater Than Step 9	The amount in excess of 50%, not to exceed the shelter/utility cap, in Appendix B is deducted to arrive at countable income.	The amount in excess of 50% is deducted, without regard to the shelter/utility cap, in Appendix B to arrive at countable income.

Step 11: Compare the countable income to the maximum net income in Appendix A for the AG size.

WV IMM, Chapter 4, Appendix A, Income Limits:

130% of the FPL for a two-person AG = \$2,215 (gross income limit)

100% of the FPL for a two-person AG = \$1,704 (net income limit)

DISCUSSION

The Appellant applied for SNAP and Medicaid assistance through the Respondent's online PATH system on September 23, 2025. A telephone interview was completed on October 14, 2025, when it was determined that further information was required to complete the application process. Additional information was requested, but only a needed signature page and identification card were returned. On October 23, 2025, the Respondent's worker completed the applications using the state database, SOLQ, to verify the unearned income received by the Appellant and her husband. Because the Appellant's AG falls within the aged, blind, and disabled category, net income is used for determining SNAP eligibility. The Appellant's net SNAP income was determined to equal \$3,679, which exceeds the established income limit for an AG of two for SNAP eligibility. The Respondent's worker determined that the Appellant and her husband were over the asset for Medicaid and over the income limit for MPA. On October 24, 2025, notification of the Respondent's denials was issued to the Appellant.

The Appellant brings this appeal explaining that she wanted to receive some additional assistance. The Appellant provided a statement from her eye doctor dated November 13, 2025, stating that she is "absolutely blind in both eyes." Additionally, the Appellant testified that her husband, who is her caretaker, underwent triple by-pass surgery recently and it was difficult for him to care for her alone. The Appellant explained that they are not necessarily seeking monetary assistance, but possibly assistance with personal care services. They did not dispute the amounts used in the determinations. The Respondent's representative, Noelle Moore, explained that there might be other agency programs which they may be interested in exploring, such as the Aged and Disabled Waiver program. Ms. Moore volunteered to assist in locating the appropriate individual who could assist them after the hearing.

Policy establishes the income limit for the MPA categories. Qualified Medicare Benefit (QMB) as 100% of the FPL for a two-person assistance group of \$1,763; Specified Low-Income Medicare Beneficiary (SLIMB) as up to 120% of the FPL for a two-person assistance group of \$2,115; and Qualifying Individuals (QI-1) as up to 135% of the FPL for a two-person assistance group of \$2,380. For SSI-Related Medicaid category, the asset limit is \$3,000 for a couple. Additionally, the policy establishes SNAP net income limit for a two-person assistance group as \$1,704.

Because the Appellant and her husband do not meet the income and asset eligibility limits as discussed above, the Respondent's decision to deny the Appellant's applications is affirmed.

CONCLUSIONS OF LAW

- 1) The income for a two-person AG for MPA eligibility must be less than or equal to 135% of the federal poverty level, or \$2,380 monthly.
- 2) The Appellant's countable net income, after all disregards allowed by policy, is \$4,135, which is over the income limit for MPA eligibility.
- 3) The asset limit for the SSI-Related Medicaid coverage group for a couple is \$3,000.
- 4) The Appellant and her husband's countable assets total \$5,219.48, which is over the allowable asset limit for SSI-Related Medicaid eligibility.
- 5) The net income limit for a two-person AG for SNAP eligibility is \$1,704.
- 6) The Appellant's AG's SNAP net income totaled \$3,679, which is over the allowable limit for eligibility.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to deny the Appellant's SNAP and Medicaid applications.

ENTERED this 5th day of December 2025.

Lori Woodward, Certified State Hearing Officer