



January 28, 2026



RE: ██████████ A PROTECTED INDIVIDUAL v. WVDohS-BFA
ACTION NO.: 25-BOR-3522

Dear ██████████:

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,

Eric L. Phillips
Certified State Hearing Officer
Member, State Board of Review

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

cc: Hannah Secrist, BFA

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

■ A PROTECTED INDIVIDUAL,

Appellant,

v.

Action Number: 25-BOR-3522

**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 ■ a Protected Individual. 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 January 21, 2026, on an appeal filed with the Board of Review on December 30, 2025.

The matter before the Hearing Officer arises from the December 11, 2025 decision by the Respondent to terminate financial eligibility for the Intellectual and Developmental Disabilities (I/DD) Waiver program.

At the hearing, the Respondent appeared by Hannah Secrist, Economic Service Worker Senior-Long Term Care unit. The Appellant was represented by her mother ■. Appearing as a witness for the Appellant was ■, Case Manager, ■. All witnesses were placed under oath and the following documents were admitted into evidence.

Department Exhibits:

- D-1 Hearing Summary
- D-2 Partial page of original application
- D-3 Printout of Income Summary
- D-4 Partial page of redetermination
- D-5 Case Comments dated December 10, 2025
- D-6 Updated Income Summary
- D-7 Case printout of Long-Term Care Budget Screen

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 is a minor child.
- 2) In May 2024, the Appellant, through her mother, applied for financial eligibility for the Intellectual Developmental Disabilities (IDD) Waiver program.
- 3) The Appellant receives Social Security income and worker's compensation income through her deceased father.
- 4) At application, the Appellant's mother reported the Appellant's Social Security income in the monthly amount of \$1700.00 and worker's compensation in the monthly amount of \$2805.00. (Exhibit D-2)
- 5) The Respondent attributed the Social Security income to the Appellant in determining financial eligibility. (Exhibit D-3)
- 6) The Respondent attributed the worker's compensation income to the Appellant's mother in determining financial eligibility. (Exhibit D-3)
- 7) The Respondent erred in attributing the worker's compensation income to the Appellant's mother.
- 8) The Appellant's financial eligibility was approved for I/DD Waiver services.
- 9) In December 2025, the Appellant's mother completed a recertification for the Appellant's financial eligibility for I/DD Waiver services.
- 10) At the recertification, the Appellant's mother reported both the Social Security income and worker's compensation income. (Exhibit D-4)
- 11) At the recertification, the Respondent discovered the error and attributed both income amounts to the Appellant.

- 12) The Appellant's total monthly income was determined to be \$4550.20. (\$2805.20-worker's compensation and \$1745.00-Social Security)
- 13) The maximum monthly income amount for I/DD financial eligibility is \$2901.00 or three times the SSI limit of \$967.00 ($967 \times 3 = 2901.00$). (Exhibit D-7)
- 14) On December 11, 2025, the Respondent issued a Notice of Decision to the Appellant informing her that her I/DD waiver services would terminate effective December 31, 2025, due to excessive income.

APPLICABLE POLICY

West Virginia Income Maintenance Manual § 24.29.2 documents:

Only the income of the waiver client is counted. No income eligibility determination is required for Supplemental Security Income (SSI) and Deemed SSI recipients. Income is not deemed.

West Virginia Income Maintenance Manual § 24.29.3 documents:

Gross countable income is compared to 300% of the SSI payment level for a single individual. No needs test is applied to SSI and Deemed SSI Medicaid clients.

West Virginia Income Maintenance Manual § 24.30 documents:

Only the income of the waiver client is to be counted. No income is deemed to the client.

The determination of which income sources to count is the same as Supplemental Security Income (SSI)-Related Medicaid. See Chapter 4.

The client's monthly gross countable income must be equal to or less than 300% of the maximum SSI payment for a single individual.

There is no post-eligibility process for this coverage group.

West Virginia Income Maintenance Manual Chapter 4 documents:

Worker's Compensation, for a total disability, is considered unearned income for Medicaid purposes.

DISCUSSION

In May 2024, the Appellant's financial eligibility for I/DD Waiver services was approved when the Respondent erred in calculating the total income attributed to the Appellant. In December 2025, the Respondent discovered the error and terminated the Appellant's financial eligibility for Medicaid services. On December 11, 2025, the Respondent issued a Notice of Decision informing the Appellant of the termination of her I/DD Waiver services, effective December 31, 2025, due to excessive income. The Appellant, through her mother, contests the denial. The Respondent must prove by a preponderance of evidence that it correctly terminated the Appellant's financial eligibility for Medicaid services due to excessive income.

The Appellant receives a total monthly income of \$4550.20. Included in the monthly income is \$2805.20 from worker's compensation benefits and \$1745.00 in Social Security income. Both income sources are from the Appellant's deceased father. At application, the Respondent incorrectly attributed the worker's compensation income to the Appellant's mother and approved I/DD waiver services. At redetermination, the Respondent discovered the error and attributed both income sources to the Appellant. Testimony from Respondent's representative indicated that the Respondent verified that the worker's compensation income was for the Appellant and terminated the I/DD Waiver service benefits.

The Appellant's mother indicated that she has access to her child's income. The Appellant's mother purported that the income is utilized for household purposes. The Appellant's mother testified that the Appellant is non-verbal and autistic and requires therapy indicating that the termination of the I/DD services will create a hardship on the Appellant.

Governing policy dictates that only the income of the waiver client is counted and the gross countable income may not exceed 300% of the SSI payment level, or \$2901, for a single individual. Evidence revealed that the income is for the Appellant and attributed to her name; therefore, the income must be included in the financial eligibility for I/DD Waiver services. Because the Appellant's total monthly income of \$4550.20 exceeds 300% of the SSI payment level for a single individual, the Respondent was correct in its decision to terminate the Appellant's financial eligibility for I/DD Waiver services.

CONCLUSIONS OF LAW

- 1) Governing policy mandates that only the income of the waiver client is counted toward the financial eligibility determination for I/DD waiver services.
- 2) An individual's gross countable income cannot exceed 300% of the SSI payment amount for a single individual in determining financial eligibility for I/DD waiver services.
- 3) The Appellant receives a total monthly income of \$4550.20.
- 4) The income limit for I/DD waiver services financial eligibility is \$2901.00.

- 5) The Appellant's income exceeds the maximum monthly amount for I/DD waiver financial eligibility.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the decision of the Respondent to terminate the Appellant's financial eligibility for I/DD waiver services.

ENTERED this _____ day of January 2026.

Eric L. Phillips
Certified State Hearing Officer