



February 19, 2026



RE: [REDACTED] v. WV DoHS/BFA  
ACTION NO.: 26-BOR-1142

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: Julie Haines, WV DoHS

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

██████████

**Appellant,**

v.

**Action Number: 26-BOR-1142**

**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 February 11, 2026.

The matter before the Hearing Officer arises from the December 16, 2025, decision by the Respondent to deny Long-Term Care Medicaid benefits.

At the hearing, the Respondent appeared by Julie Haines, Long-Term Care Economic Service Worker, WV DoHS. The Appellant was represented by ██████████ Market Eligibility Advisor, Genesis Healthcare. All witnesses were placed under oath, and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Hearing Summary
- D-2 Notice concerning assets dated February 2, 2026
- D-3 Notices of Decision dated December 16, 2025, and February 2, 2026
- D-4 West Virginia Income Maintenance Manual Chapters 1.6.11.E and 5.4
- D-5 Asset calculation spreadsheet and copies of bank statements

**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 admitted to [REDACTED] on September 9, 2025.
- 2) The Appellant applied for Long-Term Care Medicaid on November 12, 2025.
- 3) The Appellant's husband, [REDACTED] is considered a community spouse for Long-Term Care Medicaid purposes.
- 4) The Appellant passed away on November 18, 2025.
- 5) The Respondent determined that the Appellant was ineligible for Long-Term Care Medicaid based on excessive assets.
- 6) The Respondent sent the Appellant a Notice of Decision on December 16, 2025, indicating that Long-Term Care Medicaid was denied effective October 2025 (Exhibit D-3).
- 7) The Respondent's representative is seeking backdated Long-Term Care Medicaid coverage for the Appellant for the months of October and November 2025.
- 8) At the time of application, the Appellant was the joint owner of four bank accounts at [REDACTED] Bank with her husband.
- 9) The bank accounts had the following asset values as of October 1, 2026, after income received for the month of October was subtracted: Account # [REDACTED] - \$3,101.55; Account [REDACTED] \$3,316.27 minus \$5,792.36 (total monthly income) = \$0; Account [REDACTED] - \$26,822.88 minus \$430 (total monthly income) = \$26,392.88; and Account [REDACTED] - \$36,089.58.
- 10) The bank accounts had the following asset values as of November 1, 2026 after income received for the month of November was subtracted: Account [REDACTED] - \$2,332.21; Account [REDACTED] - \$7,533.97 minus \$5,792.36 (total monthly income) = \$1,741.61; Account [REDACTED] - \$23,254.04 minus \$430 (total monthly income) = \$22,824.04; and Account [REDACTED] - \$36,091.16.
- 11) The Appellant was also the owner of Brighthouse stocks, valued at \$48.69 in total, that were considered as an asset by the Respondent, although no verification of this information was provided during the hearing. As no documentation concerning the stocks was provided by the Respondent, the Brighthouse stocks will not be considered by the Hearing Officer.
- 12) The Appellant's total bank account assets, after subtracting the community spouse's share, were \$32,792.01 for October 2025 and \$31,405.02 for November 2025.

## 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 24.4.1.C.10 states that Medicaid eligibility begins on the first day of the month in which eligibility is established. Eligibility may be backdated up to three months prior to the month of application, when all eligibility requirements were met, and the client has medical expenses for which he seeks payment.

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.

West Virginia Income Maintenance Manual Chapter 24.8.1.B addresses community spouse assets:

The spouse's share is computed as follows:

Step 1: Determine the FMV of the couple's combined countable assets, as of the beginning of the first continuous period of institutionalization.

Step 2: Compare the amount from Step 1 to \$32,532, the Community Spouse Asset limit. If the Step 1 amount is equal to or less than \$32,532, all assets are attributed to the community spouse. If not, go to Step 3.

Step 3: Divide the Step 1 amount by 2 and compare to \$32,532. If one-half of the Step 1 amount is equal to or less than \$32,532, the community spouse is attributed \$31,584 and the remainder belongs to the institutionalized spouse. If not, go to Step 4.

Step 4: When one-half of the Step 1 amount is greater than \$32,532, one-half of the total assets (Step 1 amount) is attributed to the community spouse, not to exceed \$162,660, the maximum community spouse asset limit.

Step 5: The amount not attributed to the community spouse is attributed to the institutionalized spouse. If an application for nursing facility services is not made when the assessment is completed, the community spouse retains the amount attributed to him at the assessment, regardless of the couple's combined assets at the time of application.

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.

West Virginia Income Maintenance Manual Chapter 1.6.11.E states that death of an individual does not interfere with approval of a Medicaid application. If an application is made prior to an individual's death, the application is processed as usual and approved, if eligible.

## **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 the assets increase to above the asset limit, the applicant 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. 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.

The Appellant's representative testified that the Appellant's husband had not been informed of the actions he needed to take prior to the Appellant's death regarding spending down assets. The Respondent's representative testified that the Appellant had been institutionalized since September 2025, but a Long-Term Care Medicaid application was not made until November 12, 2025, and the Appellant passed away on November 18, 2025. The Appellant's Long-Term Care Medicaid eligibility for October and November 2025 would have been based on her assets on the first days of those months (both of which were prior to her application date). The Hearing Officer calculated assets as of the first days of October and November 2025 by using the balances of the Appellant's

four bank accounts as of September 30, 2025, and October 31, 2025. Recurring monthly income in Accounts [REDACTED] and [REDACTED] was deducted from the balances in accordance with policy, and the community spouse's share was then deducted from the total assets in order to arrive at the Appellant's share of countable assets.

Based on documentation provided during the hearing, the Appellant's assets were excessive for Long-Term Care Medicaid for the months of October and November 2025.

### **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 Appellant's countable assets exceeded the \$2,000 asset limit for October and November 2025.
- 3) The Appellant is ineligible for Long-Term Care Medicaid benefits for October and November 2025.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to deny the Appellant's Long-Term Care Medicaid benefits.

**ENTERED this 19th day of February, 2026.**

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**Pamela L. Hinzman  
State Hearing Officer**