



April 15, 2026

[REDACTED]

RE: [REDACTED] v. WV DoHS  
ACTION NO.: 26-BOR-1402

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**

██████████

**Appellant,**

v.

**Action Number: 26-BOR-1402**

**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 April 7, 2026.

The matter before the Hearing Officer arises from the January 30, 2026, decision by the Respondent to deny Aged/Disabled Waiver Medicaid benefits based on excessive income and assets.

At the hearing, the Respondent appeared by Paula Broschart, Long-Term Care Economic Service Worker, WV DoHS. The Appellant was represented by his son, ██████████. All witnesses were placed under oath, and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 West Virginia Income Maintenance Manual Chapter 24.31
- D-2 West Virginia Income Maintenance Manual Chapter 5.4
- D-3 Artificial Intelligence information from the internet concerning ██████████
- D-4 Property tax information from ██████████ County Sheriff's Tax Office
- D-5 Notice of Decision dated January 30, 2026

**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 applied for Aged/Disabled Waiver (ADW) Medicaid benefits on January 21, 2026.
- 2) The Appellant is the only person in his Medicaid Assistance Group.
- 3) The Respondent notified the Appellant on January 30, 2026, that his income and assets were excessive for the ADW Program (Exhibit D-5).
- 4) The Appellant reported a net Social Security income of \$2,837 per month (gross amount unknown), a retirement income of \$1,052.99 per month (unverified), and an unknown amount of income from an annuity payment for a total monthly income of at least \$3,889.
- 5) The Appellant owns two tracts of non-homestead property in the [REDACTED] area. The .858-acre tract, listed under the owner names of [REDACTED] has an assessed value of \$6,180 and a market value of \$10,300 (\$6,180 is divided by 60 percent to arrive at market value). The 1.418-acre tract, also listed under the owner names of [REDACTED], has an assessed value of \$30,420 and a market value of \$50,700 (\$30,420 is divided by 60 percent to arrive at market value) (Exhibit D-4).
- 6) The total market value of non-homestead property is \$61,000.
- 7) The Appellant's 2007 Chevrolet Silverado truck is an excluded asset (Exhibit D-4).
- 8) The Appellant has non-excluded vehicle/recreational vehicle assets listed under the names of [REDACTED]. They include a 1998 Harley-Davidson motorcycle (assessed value- \$854, market value- \$1,423 (\$854 divided by 60 percent); a 1989 Harley-Davidson motorcycle (assessed value- \$240, market value- \$400 (\$240 divided by 60 percent); a 2010 trailer (assessed value- \$686, market value- \$1,143 (\$686 divided by 60 percent); and a 2017 Keystone camper (assessed value- \$10,646, market value- \$17,743 (\$10,646 divided by 60 percent) (Exhibit D-4).
- 9) Total vehicle/recreational assets are \$20,709. There was no dispute concerning the value of the vehicles/recreational vehicles or indication that the Appellant does not have full equity in the vehicles.

## APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 24.30 states:

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 4.3.1 states that both retirement benefits and Retirement, Survivors, and Disability Insurance (RSDI) (Social Security) benefits count as unearned income for SSI-Related Medicaid groups.

West Virginia Income Maintenance Manual Chapter 4, Appendix A, states that the SSI maximum payment level is \$994 per month. Three hundred percent of the maximum SSI payment level is \$2,982 per month.

West Virginia Income Maintenance Manual Chapter 24.31 states that the determination of countable assets sources for ADW Medicaid is the same as for Supplemental Security Income (SSI)-Related Medicaid.

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 5.5.39.B states that the treatment of non-homestead property depends on its use. Chapter 5.5.39.B.2 states that the equity of property not used in business or a trade or otherwise excluded is counted as an asset.

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 all the joint owners are included in the Assistance Group. The treatment of jointly-owned assets is dependent upon whether the asset is owned with an SSI recipient, with another SSI Medicaid group client, or upon how joint ownership is listed.

West Virginia Income Maintenance Manual Chapter 5.5.48 states that vehicles are counted as assets for SSI Medicaid groups. The trade-in value is usually used as the current market value for AFDC-Related, SSI Medicaid Groups, and WV WORKS.

West Virginia Income Maintenance Manual Chapter 5.1 states that recreational vehicles/equipment include, but are not limited to, boats, snowmobiles, campers, camper-trailers, airplanes, and similar equipment that do not meet the definition of a vehicle. They also include ATVs and similar vehicles that do not require licensing, even though they may be licensed. This does not include sporting equipment or toys.

West Virginia Income Maintenance Manual Chapter 5.5.41 states that recreational vehicles are considered personal property. The current market value (CMV) must be used when determining equity. See Section 5.3.3.

West Virginia Income Maintenance Manual Chapter 5.3.3 states that only the client's equity, or portion of actual ownership, in assets is considered, unless otherwise specified in Section 5.5 or 5.6.

Equity is determined only as follows:

- Determine the CMV of the asset.
- Multiply the number of installment payments remaining by the amount of the installment payment.
- Subtract the result of the calculation from the CMV. The remainder is the equity value. When the Worker determines that the equity value of an asset, or of several assets, will increase to above the asset limit before the next redetermination, he must set an eligibility system alert to recheck asset eligibility. When the client disagrees with the Department of Human Services-determined (DOHS) value of an asset, it is his responsibility to provide verification of the actual value.

### DISCUSSION

Policy states that the countable assets of a one-person Aged/Disabled Waiver Medicaid Assistance Group must not exceed \$2,000. The treatment of jointly-owned assets is dependent upon whether the asset is owned with an SSI recipient, with another SSI Medicaid group client, or upon how joint ownership is listed. To be eligible for ADW Medicaid, the client's monthly gross countable income must be equal to or less than 300% of the maximum SSI payment for a single individual.

The Appellant's son, [REDACTED] did not dispute the Appellant's income or the amount of assets as calculated by the Respondent. [REDACTED] questioned, however, whether the Appellant could be evaluated for a [REDACTED] (a qualified income trust that can be used to bypass income caps for Long-Term Care Medicaid eligibility). While [REDACTED] raised the issue of the [REDACTED] there is no information to indicate that the Appellant has a [REDACTED] is not listed as an allowable income deduction under policy.

The Appellant's income of at least \$3,889 exceeds 300 percent of the maximum SSI payment for a single individual (\$2,892).

There is insufficient evidence to determine the Appellant's total countable assets since property tax information lists [REDACTED] as a joint owner of both property and vehicle/recreational vehicle assets and the treatment of jointly-owned assets differs based on various factors. However, it should be noted that the Appellant's total assets would exceed the \$2,000 ADW asset limit if only one-half of the property/vehicle/recreational vehicle assets were attributed to him.

Based on information provided during the hearing, the Respondent's decision to deny ADW Medicaid benefits is affirmed.

### **CONCLUSIONS OF LAW**

- 1) Policy states that the income limit for ADW Medicaid for a one-person Assistance Group is \$2,892 (300% of the maximum SSI payment).
- 2) The Appellant's monthly income totals at least \$3,889 per month.
- 3) The Appellant's income exceeds the income limit for ADW Medicaid.
- 4) Policy states that the asset limit for ADW Medicaid is \$2,000 for a one-person Assistance Group.
- 5) The Appellant's assets (if only attributed to him in a one-half share) exceed the \$2,000 asset limit.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to deny the Appellant's Aged/Disabled Waiver Medicaid benefits.

**ENTERED this 15th day of April, 2026.**

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