



April 2, 2026



RE: [REDACTED] v. WV DoHS
ACTION NO.: 26-BOR-1466

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 Health and Human Resources. 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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

cc: Jennifer Barker, WV DoHS

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

██████████

Appellant,

v.

Action Number: 26-BOR-1466

**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 1, 2026.

The matter before the Hearing Officer arises from the Respondent's decision to terminate the Appellant's Medicaid Work Incentive (M-WIN) Program benefits as outlined in a notice dated March 3, 2026.

At the hearing, the Respondent appeared by Jennifer Barker, Economic Services Supervisor, West Virginia DoHS. The Appellant was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Notice of Decision dated March 3, 2026
- D-2 Case Comments from Respondent's computer system
- D-3 Income Summary from Respondent's computer system
- D-4 West Virginia Income Maintenance Manual Chapters 26.2, 26.6, and 26.6.4.A

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 recipient of Medicaid Work Incentive (M-WIN) benefits.
- 2) The Appellant submitted an M-WIN redetermination in February 2026 (Exhibit D-2).
- 3) The M-WIN redetermination was pended for verification of assets on February 19, 2026 (Exhibit D-2).
- 4) On or about February 27, 2026, the Appellant completed an intake application for Supplemental Nutrition Assistance Program (SNAP) benefits and reported that she had begun receiving state retirement benefits of \$1,900 per month (Exhibits D-2 and D-3).
- 5) At that time, the Respondent determined that the Appellant's self-reported unearned income was excessive for the M-WIN Program.
- 6) The Appellant also has earned income from [REDACTED] (Exhibit D-3).
- 7) The Respondent sent the Appellant a Notice of Decision on March 3, 2026, indicating that M-WIN benefits would be terminated effective April 2026 based on excessive income (Exhibit D-1).
- 8) The Appellant is receiving continued Medicaid benefits pending a hearing decision.
- 9) The Respondent addressed the Appellant's potential eligibility for SSI-Related Medicaid benefits with a spenddown; however, the Appellant has no outstanding medical bills.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapters 26.2.1 and 26.6.1 state that the income limit for M-WIN is 250 percent of the Federal Poverty Level when unearned income is at or below the Supplemental Security Income (SSI) Payment Level.

West Virginia Income Maintenance Manual Chapter 4.3 states that the gross amount of a retirement benefit is considered as unearned income for Medicaid purposes.

West Virginia Income Maintenance Manual Chapter 26.6.4.A lists unearned income disregards for the M-WIN Program.

- SSI \$20 Disregard: A \$20 disregard is applied to the total gross unearned income. If unearned income is less than \$20, the remainder is subtracted from earned income, prior to the application of any other earned income disregards and deductions.
- For SSI-Related Children Only: One-third of the child support intended for the SSI-Related child is disregarded.
- Death Benefits: The portion of a lump sum payment received as a result of the death of a client, which is used to pay the expenses of the last illness and burial of that client, is deducted.

West Virginia Income Maintenance Manual Chapter 26.6.6 states that determination of financial eligibility for M-WIN has two parts: the unearned income test and determining countable income.

West Virginia Income Maintenance Manual Chapter 26.6.6.A states:

The first part is the unearned income test. If the client fails this test, he is ineligible.

- Step 1: Determine the amount of countable unearned income.
- Step 2: Subtract the \$20 SSI Disregard.
- Step 3: Compare the remainder to the current SSI payment for one person. If the remainder exceeds the SSI payment, the client is ineligible and no additional calculations are required. If the remainder is equal to or less than the SSI payment, the Worker must determine countable income.

West Virginia Income Maintenance Manual Chapter 4, Appendix A, states that the maximum SSI payment level for one person is \$994 per month.

DISCUSSION

Policy states that the determination of financial eligibility for M-WIN has two parts: the unearned income test and determining countable income. If the client fails the unearned income test, he is ineligible. If unearned income, minus the \$20 SSI Disregard, exceeds the SSI payment level, the client is ineligible.

Jennifer Barker, Economic Services Supervisor with the Respondent, testified that the Appellant's M-WIN benefits were terminated because her self-reported unearned income exceeds the SSI payment level of \$994 per month. No further calculations of income could be made since unearned income was excessive.

The Appellant testified that her retirement income after taxes is around \$1,959 per month and the gross amount is over \$2,000. The Appellant indicated that she understands the reason for the M-WIN termination, but she has a terminal disease and is struggling to find affordable health care. She testified that her pre-existing medical condition makes insurance expensive through the private

sector and that medical coverage through the Federally Facilitated Marketplace may range between \$300 to \$450 per month.

While the Appellant's concerns are noted, the Respondent terminated M-WIN benefits in accordance with policy based on excessive unearned income.

CONCLUSIONS OF LAW

- 1) To be eligible for M-WIN benefits, unearned income must not exceed the current SSI payment level.
- 2) The Appellant's gross self-reported retirement income is more than \$2,000 per month.
- 3) The Appellant is entitled to receive the \$20 SSI Disregard from unearned income.
- 4) After applying the disregard, the Appellant's unearned income exceeds the current SSI payment level of \$994 per month.
- 5) The Appellant's income is excessive for M-WIN benefits.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to terminate M-WIN Medicaid benefits based on excessive unearned income.

ENTERED this 2nd day of April 2026.

**Pamela L. Hinzman
State Hearing Officer**