

## 12.11 ACTION FOLLOWING RECEIPT OF THE FINAL MRT DECISION

Upon receipt of the notification of MRT's final decision, the Worker records the receipt of the form and the decision on the ES-5. Additional action depends on the content of the information on the notification form.

### A. SSI-RELATED MEDICAID

#### 1. Client Is Blind Or Disabled

If the applicant was found to be disabled or blind and the case was not presumptively approved, the application is approved, or the individual is added to the benefit group, whichever is appropriate.

If the case was presumptively approved, or the individual was already added, a recording of the final decision must be made on the ES-2 and the ES-5.

#### 2. Client Is Not Blind Or Disabled

If the applicant is found not to be disabled or blind, the application is denied, the case closed or the individual is excluded from the benefit group after advance notice.

A copy of the ES-RT-3 must be attached to the notification letter to the client.

### B. TANF, WV WORKS AND AFDC-RELATED MEDICAID

#### 1. Parent Is Incapacitated

If the ES-RT-3 indicates the parent is incapacitated, and the case was not presumptively approved, the application is approved.

If the case was presumptively approved, a recording of the final decision is made on the ES-2 and ES-5.

#### 2. Parent Is Not Incapacitated

If the ES-RT-3 indicates the parent is not incapacitated, eligibility for TANF, based on unemployment of a parent, or AFDCU-Related Medicaid is evaluated.

If the definition of an unemployed parent is met, action is taken to approve the case.

A copy of the ES-RT-3 is attached to the client notification letter.

3. WV WORKS

- Individual Is Incapacitated

If the ES-RT-3 indicates the individual is incapacitated, the individual is exempt from participation in work activities for the period of time determined by MRT, not to exceed 12 months. A reevaluation must be completed at the end of the exemption period or by the end of the 12th month, whichever is earlier.

**NOTE:** Even though MRT was involved in the determination of incapacity, the Worker and/or Supervisor may make the determination at the subsequent reevaluation(s). However, once a MRT decision is made, it cannot be overridden by the Worker and/or Supervisor until the MRT exemption period expires or additional medical information is received. When the Worker and/or Supervisor make the decision upon reevaluation, MRT must be notified by memorandum.

- Individual Is Not Incapacitated

If the ES-RT-3 indicates the individual is not incapacitated, the individual is not exempt from participation in work activities. The client must be contacted immediately to begin participation.

A copy of the ES-RT-3 is attached to the client notification letter.

C. ACTION WHEN MRT DECISION CONFLICTS WITH THE SSA DECISION

When a MRT disability or blindness decision conflicts with the decision made by SSA, the following procedures apply:

1. TANF and AFDC-Related Medicaid

- The definition of incapacity varies significantly from that of disability. For this reason, a denial of a disability claim by SSA or the Railroad Retirement Board does not automatically render an individual ineligible for benefits based on incapacity. The Worker

continues with the process of establishing incapacity.

- When an individual meets the disability standards of SSA, he meets the Department's definition of incapacity.

2. SSI-Related Medicaid

Procedures outlined in 12.7 are followed.

D. ACTION WHEN THE WORKER AND SUPERVISOR DISAGREE WITH A MRT DENIAL

If the Worker and Supervisor disagree with MRT's decision to deny incapacity, disability or blindness, the case is submitted to MRT for reconsideration. An explanation of why the Worker and Supervisor disagree with the denial is entered on the ES-RT-2.