



**State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
150 Maplewood Avenue  
Lewisburg, WV 24901**

**Joe Manchin III  
Governor**

**Martha Yeager Walker  
Secretary**

July 10, 2006

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Mr. \_\_\_\_\_:

Attached is a copy of the findings of fact and conclusions of law on your hearing held June 15, 2006. Your hearing request was based on the Department of Health and Human Resources' proposal to terminate your SSI Medicaid benefits.

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 assure that all persons are treated alike.

Eligibility for the SSI Medicaid Program is based on current policy and regulations. Some of these regulations state as follows: Receipt of SSI is the only eligibility factor. (Section 9.10 of the West Virginia Income Maintenance Manual).

The information which was submitted at your hearing revealed that you are no longer a recipient of SSI.

It is the decision of the State Hearing Officer to uphold the proposal of the Department to terminate your benefits under the SSI Medicaid Program.

Sincerely,

Margaret M. Mann  
State Hearing Officer  
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review  
Susan Godby, DHHR

**WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES  
BOARD OF REVIEW**

\_\_\_\_\_,

**Claimant,**

v.

**Action Number: 06-BOR-1301**

**West Virginia Department of  
Health and Human Resources,**

**Respondent.**

**DECISION OF STATE HEARING OFFICER**

**I. INTRODUCTION:**

This is a report of the State Hearing Officer resulting from a fair hearing concluded on June 15, 2006 for \_\_\_\_\_. This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened on June 15, 2006 on a timely appeal, filed February 27, 2006. It should be noted that this hearing was originally scheduled for April 18, 2006. It was rescheduled at the claimant's request for June 15, 2006.

It should be noted here that the claimant's benefits have been continued pending a hearing decision.

**II. PROGRAM PURPOSE:**

The Program entitled SSI Medicaid is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

The amendment to the Social Security Act which established SSI and subsequent rules and regulations gave the states the same options regarding Medicaid coverage for SSI recipients. West Virginia elected to cover all SSI recipients and to accept SSA's determination process for SSI Medicaid. Consequently there is no application or eligibility determination process for SSI Medicaid. Instead the Department depends upon SSA for the information needed to open and close SSI Medicaid cases.

**III. PARTICIPANTS:**

\_\_\_\_\_, Claimant  
Susan Godby, Department Hearing Representative

Presiding at the Hearing was Margaret M. Mann, State Hearing Officer and a member of the State Board of Review.

**IV. QUESTIONS TO BE DECIDED:**

The question to be decided is whether the Department is correct in the decision to discontinue the claimant's medical card under SSI Medicaid as the claimant is no longer a recipient of SSI.

**V. APPLICABLE POLICY:**

Sections 9.10 and 16.6 of the West Virginia Income Maintenance Manual

**VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:**

**Department's Exhibits:**

- D-1 Form IG-BR-29 Hearing/Grievance Record Information
- D-2 Notification Letter dated 02/14/2006 and Hearing Request dated 02/27/2006
- D-3 Income Maintenance Policy 16.6A
- D-4 Department's Summary

**VII. FINDINGS OF FACT:**

- 1) The claimant is a recipient of Medicaid based on the fact that he received SSI.
- 2) The case worker was notified via a computer alert the claimant was no longer receiving SSI. The SSI payments stopped in 2000.
- 3) A notice was sent to the claimant dated 02/14/2006 informing him that his SSI Medicaid would stop. Reason: This individual's current living situation prevents him or her from being eligible for this assistance. (D-2) The claimant requested a hearing on 02/27/2006. (D-2)
- 4) Testimony from the claimant revealed he does not know why his SSI payments stopped. He has been trying to contact Social Security to find out why the SSI stopped. He has to have medication for his seizures. His wife works at \_\_\_\_\_ and Mr. \_\_\_\_\_ is working a \_\_\_\_\_
- 5) **Section 9.10 of the West Virginia Income Maintenance Manual reads in part:**  
  
Receipt of SSI is the only eligibility factor for SSI Medicaid.

6) **Section 16.6A of the West Virginia Income Maintenance Manual reads in part:**

There is no application or eligibility determination process for SSI Medicaid. Instead the Department depends upon SSA for the information needed to open and evaluate continuing eligibility for SSI Medicaid cases.

**VIII. CONCLUSIONS OF LAW:**

- 1) The receipt of SSI is the only eligibility factor for SSI Medicaid.
- 2) The claimant is no longer a recipient of SSI; therefore, he does not meet the eligibility criteria for the program.

**IX. DECISION:**

The Department is upheld in the proposal to terminate the claimant's benefits under SSI Medicaid as the claimant is no longer a recipient of SSI. The action described in the notification letter dated February 14, 2006 will be taken.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 10th Day of July, 2006.**

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**Margaret M. Mann  
State Hearing Officer**