



**State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
PO Box 6165  
Wheeling, WV 26003**

**Joe Manchin III  
Governor**

**Martha Yeager Walker  
Secretary**

June 1, 2006

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

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

Attached is a copy of the findings of fact and conclusions of law on your hearing held May 18, 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: SSA makes the determination of need for SSI. 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,

Melissa Hastings  
State Hearing Officer  
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review  
Kathy Fisher, DHHR

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

\_\_\_\_,

**Claimant,**

v.

**Action Number: 06-BOR-1592**

**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 May 18, 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 May 18, 2006 on a timely appeal, filed April 11, 2006.

It should be noted here that the claimant's benefits have not 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

Kathy Fisher - Department Hearing Representative

Presiding at the Hearing was Melissa Hastings, 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 2.11, 9.10 and 16.6 of the West Virginia Income Maintenance Manual

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

**Department's Exhibits:**

- D-1 West Virginia Income Maintenance Manual section 16.6 and 2.11
- D-2 WV State Online Query SSI Information Response dated 5/18/06
- D-3 Notice of Decision form EDC1 dated 03/22/06

**VII. FINDINGS OF FACT:**

- 1) WV State Online Query SSI Information Response dated 05/18/06 (D2) indicates claimant's SSI Gross payment amount is zero.
2. A Notice of Decision was sent to the claimant dated 03/22/06 (D3) informing him that his SSI Medicaid would stop. Reason: This individual is not eligible for this type of Medicaid due to loss of SSI payment.
3. Claimant's testimony indicates he received one lump sum SSI payment and did not receive regular monthly payments.
- 4) Claimant's testimony indicates that he was approved for \$1000 per month in Veterans Benefits in May 2005 and continues to receive this benefit each month.
- 5) Section 9.10 of the West Virginia Income Maintenance Manual states:  
  
SSA makes the determination of need for SSI. Receipt of SSI is the only eligibility factor for SSI Medicaid.
- 6) Section 16.6A of the West Virginia Income Maintenance Manual states:

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.

7) Section 2.11 of the West Virginia Income Maintenance Manual states:

The worker closes the SSI Medicaid case when the client appears on the Need for Evaluation printout and the Worker determines he is no longer eligible for SSI Medicaid.

**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:**

It is the decision of the State Hearings Officer to **uphold** the agency's action to terminate your Medicaid card effective March 2006.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 1<sup>st</sup> Day of June, 2006.**

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**Melissa Hastings  
State Hearing Officer**