



**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**

February 2, 2006

Dear Ms. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 4, 2005. 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
Sharon Newman, DHHR

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

_____,

Claimant,

v.

Action Number: 05-BOR-6288

**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 October 4, 2005 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 October 4, 2005 on a timely appeal, filed July 26, 2005.

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
_____. Claimant's Spouse
Sharon Newman, 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 Department's Summary
- D-2 Copy of hearing request
- D-3 Hearing appointment notice
- D-4 Application dated 07/19/05
- D-5 Rights & Responsibilities form dated 07/19/05
- D-6 Closure notice dated 08/02/05
- D-7 Case Comments
- D-8 Data Exchange
- D-9 Income Maintenance Policy 16.6a

Claimants' Exhibits:

- C-1 Medicare Card
- C-2 Statement from Dr. [REDACTED]

VII. FINDINGS OF FACT:

- 1) The claimant completed a food stamp application 07/19/05. (D-4 and D-5) She was receiving SSI Medicaid at the time. Upon checking her data exchange the worker determined the claimant was no longer receiving SSI and had not received it since 11/04. (D-8)
- 2) A notice was sent to the claimant dated 08/02/05 informing her that her SSI Medicaid would stop. Reason: This individual no longer receives SSI. (D-6) The claimant requested a hearing on 07/26/05. (D-2)

- 3) Testimony from the claimant revealed that her SSI ended because of her husband's income.
- 4) The application completed 07/19/05 shows the following income: _____ – Social Security Disability \$1017.00. _____ – Social Security \$505.00. (D-4) The claimant has Medicare. (C-1)
- 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, she 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 August 2, 2005 will be taken.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 2nd Day of February, 2006.

**Margaret M. Mann
State Hearing Officer**