



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

January 24, 2006

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

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

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 18, 2005. Your hearing request was based on the Department of Health and Human Resources' proposal to terminate your SSI-Related 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-Related Medicaid Program is based on current policy and regulations. Some of these regulations state as follows: If the net countable monthly income is equal to or less than the appropriate MNIL, the AG is eligible without a spenddown. If it is excess of the appropriate MNIL, the AG must meet a spenddown. (Section 10.22C of the West Virginia Income Maintenance Manual)

The information which was submitted at your hearing revealed that you are receiving Social Security benefits and will have to meet a spenddown in order to be eligible for a medical card.

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

Sincerely,

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

cc: Erika H. Young, Chairman, Board of Review  
Gayla Adkins, DHHR

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

\_\_\_\_\_,

**Claimant,**

v.

**Action Number: 05-BOR-6433**

**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 18, 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 18, 2005 on a timely appeal, filed July 22, 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-Related Medicaid is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

SSI Related Medicaid is a segment of the Medicaid Program available to individuals who meet the requirement of categorical relatedness by qualifying as either aged, disabled, or blind as those terms are defined by the Social Security Administration for purposes of eligibility for SSI.

**III. PARTICIPANTS:**

\_\_\_\_\_, Claimant

\_\_\_\_\_, Claimant's Witness

Gayla Adkins, 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-Related Medicaid as the claimant no longer meets the financial requirements.

**V. APPLICABLE POLICY:**

Section 10.22C and Appendix A of the West Virginia Income Maintenance Manual

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

**Department's Exhibits:**

D-1 Copy of notification letter dated 07/18/05

D-2 Copy of hearing request dated 07/22/05

D-3 Copy of form IG-BR-29 Hearing/Grievance Record Information

D-4 Copy of hearing appointment notice dated 08/17/05

D-5 Copy of case recordings 07/15/05 thru 07/20/05

D-6 Copy of section 10.22 of the West Virginia Income Maintenance Manual

D-7 Copy of Department's Summary

**VII. FINDINGS OF FACT:**

- 1) The claimant was receiving a medical card under the SSI-Related Medicaid Program.
- 2) A notice was sent to the claimant dated 07/18/05 informing him that his medical card would stop. Reason: Your income has increased. (D-1) The claimant requested a hearing on 07/22/05. (D-2)
- 3) The claimant receives Social Security in the amount of \$548.00 monthly. This started in August, 2005. He received a lump sum SSI payment for the period November, 2004 through July, 2005. He is not eligible for additional SSI as he is living with his mother and that income is counting against him.
- 4) There were no outstanding medical bills at the time of the proposed case closure.

5) Appendix A, Chapter 10 of the West Virginia Income Maintenance Manual reads:  
The MNIL for a one person assistance group is \$200.00.

6) Section 10.22C of the West Virginia Income Maintenance Manual reads in part:

For SSI-Related Medicaid, countable income is determined as follows:

Step 1: Determine the total non-excluded gross unearned income and subtract the \$20 Disregard.

Step 2: Determine the total non-excluded earned income. Subtract the following in order:

Remainder of SSI \$20 Disregard

SSI \$65 + 2 Earned Income Disregard

SSI Impairment-Related Expenses

One-half of Remaining Earned Income

SSI Work-Related Expense Deductions (Blind persons only)

Earnings Diverted to PASS

Step 3: Add unearned income from Step 1 above.

Step 4: Subtract unearned income diverted to a PASS account, the Death Benefits deduction and, for children, the child support disregard.

The result is the total monthly countable income.

Step 5: Compare the amount in Step 4 to the MNIL for the appropriate number of persons.

If the net countable income is equal to or less than the appropriate MNIL, the AG is eligible without a spenddown. If it is in excess of the appropriate MNIL, the AG must meet a spenddown.

### **VIII. CONCLUSIONS OF LAW:**

- 1) Policy is clear that if net countable monthly income is equal to or less than the appropriate MNIL, the AG is eligible without a spenddown. If it is in excess of the appropriate MNIL, the AG must meet a spenddown. The MNIL for this case is \$200.
- 2) The claimant would only receive the \$20.00 disregard from his income of \$548. The claimant would have a spenddown as his countable monthly income is in excess of the

MNIL for one person (\$200).

**IX. DECISION:**

It is the finding of the State Hearing Officer that the claimant would be required to meet a spenddown in order to qualify for a medical card. The Department is upheld in the decision to terminate the claimant's benefits under the SSI-Related Medicaid Program. The action described in the notification letter dated July 18, 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 24th Day of January, 2006.**

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**Margaret M. Mann  
State Hearing Officer**