



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

August 25, 2006

Dear Mr. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held July 21, 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-1502

**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 July 21, 2006 for _____s. 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 July 21, 2006 on a timely appeal, filed March 27, 2006. It should be noted that this hearing was originally scheduled for June 15, 2006. The claimant did not keep this appointment and an abandonment letter was sent June 15, 2006. The claimant responded and the hearing was rescheduled for July 21, 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
_____, Claimant's Mother
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 03/16/2006
- D-3 Income Maintenance Policy 9.10
- D-4 Department's Summary

Claimant's Exhibit:

- C-1 Pay Stub dated 06/30/2006

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 due to the receipt of Workers' Compensation.
- 3) A notice was sent to the claimant dated 03/16/2006 informing him that his SSI Medicaid would stop. Reason: Individual is not eligible for this type of Medicaid due to loss of SSI payment. (D-2) The claimant requested a hearing timely and benefits have continued.
- 4) Testimony received from and on behalf of the claimant revealed that the claimant went to work in May 2005 in construction. He had been receiving SSI up until then. The SSI payments stopped sometime in 2005. They had talked to someone at Social Security

who told them the claimant was still within \$50.00 of being eligible for SSI. There was additional information needed. In the meantime, the claimant went to work for a landscaping business. Even though he is making less money, they have not filled out the paperwork for Social Security.

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 March 16, 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 25th Day of August, 2006.

**Margaret M. Mann
State Hearing Officer**