



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
4190 Washington Street West  
Charleston, WV 25313

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

September 19, 2006

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

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

Attached is a copy of the findings of fact and conclusions of law on your hearing held September 8, 2006. Your hearing request was based on the Department of Health and Human Resources' proposal to close the active Medicaid case.

In arriving at a decision, the State Hearings 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. One of these regulations states in part:

West Virginia elected to cover all SSI recipients and to accept SSA's determination of eligibility for SSI as the sole eligibility determination for Medicaid. West Virginia is, then, referred to as a "1634 state" based on the section of the Social Security Act which allows this.

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 evaluate continuing eligibility for SSI Medicaid cases.

A tape exchange between DHHR and SSA results in information used by the Worker to open the case or add this benefit to an existing case. (West Virginia Income Maintenance Manual 16.6 Categorically Needy, Mandatory – For Aged, Blind or Disabled).

The information submitted at your hearing revealed: The Social Security Administration notified the Department on June 2, 2006 that you were no longer receiving SSI Benefits.

It is the decision of the State Hearings Officer to UPHOLD the PROPOSAL of the Department to close the Medicaid case.

Sincerely,

Ray B. Woods, Jr., M.L.S.  
State Hearing Officer  
Member, State Board of Review

cc: State Board of Review  
Patrick McKinney, Supervisor – [REDACTED] DHHR  
[REDACTED] Esq.

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

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

v.

**Action Number: 06-BOR-2204**

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

**Respondent.**

**DECISION OF THE STATE HEARING OFFICER**

**I. INTRODUCTION:**

This is a report of the State Hearing Officer resulting from a fair hearing concluded on September 19, 2006 for Mr. \_\_\_\_\_. 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 September 8, 2006 on a timely appeal filed June 22, 2006. The hearing was originally scheduled for July 14, 2006. It was rescheduled after the Claimant obtained legal counsel.

It should be noted here that the claimant's benefits have been continued pending a hearing decision. A pre-hearing conference was held between the parties prior to the hearing.

**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.

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

██████████ Esq. – Claimant’s Attorney  
Patrick McKinney, Supervisor – ██████████ County DHHR Office

Presiding at the Hearing was, Ray B. Woods, Jr., M.L.S., State Hearing Officer and a member of the State Board of Review.

**IV. QUESTIONS TO BE DECIDED:**

The question(s) to be decided is: Did the Social Security Administration direct the Department to close the Claimant’s SSI Related Medicaid case?

**V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual Section 16.6 Categorically Needy, Mandatory – For Aged, Blind or Disabled

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

**Department’s Exhibits:**

- D-1 Copy of Letter dated 06/05/06 to close Medicaid case
- D-2 West Virginia Income Maintenance Manual Section 16.6 Categorically Needy, Mandatory – For Aged, Blind or Disabled

**Claimants’ Exhibits:**

None

**VII. FINDINGS OF FACT:**

- 1) On June 2, 2006, the Department received a message from the Social Security Administration that the Claimant was no longer receiving SSI Benefits. The Claimant lost his SSI due to a receipt of Workers Compensation Benefits in the amount of \$1,663.18 monthly.
- 2) The Department issued a letter to the Claimant on June 5, 2006. The letter stated in part, “Your 12/14/04 application for Medical Assistance has been Denied. Reason: All individuals are ineligible” (Exhibit D-1).
- 3) West Virginia Income Maintenance Manual Section 16.6 Categorically Needy, Mandatory – For Aged, Blind or Disabled (Exhibit D-2) states:

SSI is a public assistance program administered by the Social Security Administration (SSA), which provides cash benefits to eligible aged, disabled or blind individuals.

The Program began in January, 1974. As of the first day of that month, all individuals who were receiving state-administered Old Age Assistance (OAA), Aid to the Disabled

(AD) and Aid to the Blind (AB) were converted to SSI. At the same time, SSA Offices began processing applications made directly to them.

The amendment to the Social Security Act which established SSI and subsequent rules and regulations gave the states some options regarding Medicaid coverage for SSI recipients.

West Virginia elected to cover all SSI recipients and to accept SSA's determination of eligibility for SSI as the sole eligibility determination for Medicaid. West Virginia is, then, referred to as a "1634 state" based on the section of the Social Security Act which allows this.

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 evaluate continuing eligibility for SSI Medicaid cases.

A tape exchange between DHHR and SSA results in information used by the Worker to open the case or add this benefit to an existing case.

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

- 1) West Virginia Income Maintenance Manual 16.6 Categorically Needy, Mandatory – For Aged, Blind or Disabled states in part:

West Virginia elected to cover all SSI recipients and to accept SSA's determination of eligibility for SSI as the sole eligibility determination for Medicaid. West Virginia is, then, referred to as a "1634 state" based on the section of the Social Security Act which allows this.

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 evaluate continuing eligibility for SSI Medicaid cases.

A tape exchange between DHHR and SSA results in information used by the Worker to open the case or add this benefit to an existing case.

- 2) The Department was notified by the Social Security Administration that the Claimant was no longer receiving SSI Benefits.

#### **IX. DECISION:**

It is the decision of this State Hearing Officer to UPHOLD the PROPOSAL of the Department to close the active Medicaid case.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 19th Day of September, 2006.**

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**Ray B. Woods, Jr., M.L.S.  
State Hearing Officer**