



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
416 Adams St., Suite 307
Fairmont, WV 26554

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

June 23, 2015



RE: [REDACTED] v. WVDHHR
ACTION NO.: 15-BOR-2092

Dear Mr. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

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.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Thomas E. Arnett
State Hearing Officer
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision
Form IG-BR-29

cc: Danielle Trickett, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 15-BOR-2092

**WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing was convened on June 22, 2015, on an appeal filed May 19, 2015.

The matter before the Hearing Officer arises from the April 28, 2015 decision by the Respondent to terminate Appellant's SSI Medicaid benefits.

At the hearing, the Respondent appeared by Danielle Trickett, Economic Services Worker, WVDHHR. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Notice of adverse action dated April 28, 2015
- D-2 WV Income Maintenance Manual §16.6.A

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) On April 28, 2015, Appellant was notified (D-1) that his SSI Medicaid benefits would stop effective May 31, 2015. The notice indicates the Appellant is not eligible for this type of Medicaid due to loss of SSI payment.

- 2) Respondent's representative proffered testimony to indicate that she received a data alert on April 17, 2015 from the Respondent's computer system that interfaces with the Social Security Administration (SSA) - indicating the Appellant's Supplemental Security Income (SSI) ended when he began receiving Social Security Disability Insurance (SSDI).
- 3) Respondent's representative testified that she spoke on the phone with the Appellant on May 20, 2015, and he indicated that he had correspondence indicating that he continued to be eligible for SSI. Respondent's representative reported that she then contacted SSA (on May 20, 2015) and was advised that the Appellant's SSI benefits terminated effective January 2015, when SSDI was approved. Respondent noted that while it appears the Appellant may be eligible for Medicaid through another program, he is required to submit an application so that an eligibility determination can be completed.
- 4) Appellant alleged that he has correspondence from SSA indicating that he continues to receive SSI, and thought that he had brought it with him to the hearing, but was unable to produce the document.

APPLICABLE POLICY

WV Income Maintenance Manual §16.6.A provides that SSI is a public assistance program administered by the SSA, which provides cash benefits to eligible aged, disabled or blind individuals. 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. Consequently, there is no application or eligibility determination process for SSI Medicaid. The Department depends upon SSA for the information needed to open, evaluate and close continuing eligibility for SSI Medicaid cases.

DISCUSSION

Policy stipulates that because West Virginia elected to cover all SSI recipients and accept SSA's determination of eligibility for SSI Medicaid, Respondent depends upon SSA for the information needed to open, evaluate and close continuing eligibility for SSI Medicaid cases. The Respondent has been notified by SSA that the Appellant's SSI terminated, and while the Appellant contended he has documentation to the contrary, he was unable to produce evidence to verify his claim.

CONCLUSIONS OF LAW

The evidence demonstrates that the Claimant is no longer eligible for SSI Medicaid.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Department's decision to terminate the Appellant's SSI Medicaid effective May 31, 2015.

ENTERED this _____ Day of June 2015.

Thomas E. Arnett
State Hearing Officer