



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL

Earl Ray Tomblin  
Governor

BOARD OF REVIEW  
P.O. Box 1247  
Martinsburg, WV 25402

Karen L. Bowling  
Cabinet Secretary

August 13, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 15-BOR-2419

Dear [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 Official 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,

Lori Woodward  
State Hearing Official  
Member, State Board of Review

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

cc: Peter VanKleeck, ESS

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

██████████,

**Appellant,**

v.

**Action Number: 15-BOR-2419**

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

**Respondent.**

**DECISION OF STATE HEARING OFFICIAL**

**INTRODUCTION**

This is the decision of the State Hearing Official 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 convened on August 12, 2015, on appeal filed June 29, 2015.

The matter before the Hearing Official arises from the June 4, 2015, decision to terminate the Appellant's SSI Medicaid benefits for her minor daughter.

At the hearing, the Respondent appeared by Peter VanKleeck, Economic Services Supervisor. The Appellant appeared *pro se*. Appearing as witness for the Appellant was her husband, ██████████. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Hearing Summary
- D-2 Notice of closure (EDC1), dated June 4, 2015
- D-3 WV Income Maintenance Manual §16.6 (excerpt)
- D-4 WV Income Maintenance Manual, §2.11 (excerpt)
- D-5 Notice of denial, dated June 25, 2015
- D-6 WV Income Maintenance Manual, §7.14 (excerpt)

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 Official sets forth the following Findings of Fact.

### **FINDINGS OF FACT**

- 1) The Appellant's minor daughter, [REDACTED] ([REDACTED]) was receiving WV Supplemental Security Income (SSI) Medicaid.
- 2) The Department received notification from the Social Security Administration (SSA) through a data alert on the State On-Line Query (SOLQ) informing the Department that the Appellant's Supplemental Security Income (SSI) ended evidently due to an increase in the family's gross income, thereby rendering [REDACTED] ineligible for SSI benefits.
- 3) On June 4, 2015, the Appellant was notified that [REDACTED] SSI Medicaid benefits would stop effective June 30, 2015. The notice indicates the Appellant's minor daughter is no longer eligible for this type of Medicaid due to the loss of her SSI payment. (Exhibit D-2)
- 4) The Appellant reapplied for Medicaid benefits in June 2015. Based on the stated income of \$67,970 per year, with a family of five (5), and private health insurance, the Appellant's Medicaid application was denied. (Exhibit D-6) Notice of denial was sent to the Appellant on June 25, 2015. (Exhibit D-5)

### **APPLICABLE POLICY**

WV Income Maintenance Manual (IMM) §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.

IMM §2.11.C instructs the Worker to close the SSI Medicaid Assistance Group (AG) when information from Social Security's State Online Query (SOLQ) shows that the individual's SSI payment was terminated.

### **DISCUSSION**

The Respondent was notified by the SSA that the Appellant's SSI benefits were terminated as the family was no longer income-eligible for the benefit. Per policy, the Respondent terminated the Appellant's SSI Medicaid. The Appellant did not contest the validity of the Department's action.

**CONCLUSION OF LAW**

Whereas the Appellant is no longer eligible for SSI Medicaid, the Department acted within policy to terminate the benefit.

**DECISION**

It is the decision of the State Hearing Officer to UPHOLD the Department's decision to terminate the Appellant's SSI Medicaid effective June 30, 2015.

**ENTERED this 13<sup>th</sup> day of August 2015.**

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**Lori Woodward, State Hearing Official**