



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

May 4, 2006

Dear Mr. ____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held April 20, 2006. Your hearing request was based on the Department of Health and Human Resources' proposal to decrease your Food Stamps and terminate your SSI Medicaid based on receipt of Social Security Disability income and closure of SSI.

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 Food Stamp and Medicaid Programs is based on current policy and regulations. Some of these regulations state that eligibility for Food Stamps is based on a determination of countable household income and the number of individuals in the Food Stamp benefit group. In addition, regulations state that eligibility for Supplemental Security Income is the sole eligibility factor for SSI Medicaid. (West Virginia Income Maintenance Manual Chapters 10.4 C, Chapter 10 Appendix A, and 16.6A)

Information submitted at the hearing revealed that the Department correctly calculated your Food Stamp allotment based on your increased income and appropriately terminated your SSI Medicaid benefits since you no longer receive SSI.

It is the decision of the State Hearing Officer to **uphold** the proposal of the Department to decrease your Food Stamps and terminate SSI Medicaid.

Sincerely,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Kathy Boyd, ESW, DHHR

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

____,

Claimant,

v.

**Action Number: 06-BOR-945
06-BOR-946**

**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 May 4, 2006 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 April 20, 2006 on a timely appeal filed January 25, 2006.

The Claimant's benefits have continued pending a hearing decision.

II. PROGRAM PURPOSE:

The program entitled **Food Stamps** is set up cooperatively between the Federal and State Government and administered by the West Virginia Department of Health and Human Resources.

The purpose of the Food Stamp Program is to provide an effective means of utilizing the nation's abundance of food to safeguard the health and well-being of the nation's population and raise levels of nutrition among low-income households. This is accomplished through the issuance of an EBT card to households who meet the eligibility criteria established by the Food and Nutrition Service of the U.S. Department of Agriculture.

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
Kathy Boyd, Economic Service Worker, DHHR

Presiding at the hearing was Pamela L. Hinzman, 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 Agency was correct in its proposal to reduce the Claimant's Food Stamp benefits and terminate Medicaid coverage.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Chapter 10.4, Chapter 10 Appendix C, Chapter 2.11C and Chapter 16.6A

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Hearing summary
- D-2 Notice of Decision dated January 18, 2006
- D-3 Social Security data exchange information and award letters
- D-4 West Virginia Income Maintenance Manual Chapters 10.4C and 16.6A

VII. FINDINGS OF FACT:

- 1) The Claimant had been receiving Food Stamps and received SSI Medicaid for the months of December 2005 and January 2006. He had received SSI-Related Medicaid prior to his approval for Supplemental Security Income.
- 2) On January 17, 2006, the Department received Social Security data exchange information (D-3) via the Rapids computer system. Ms. Boyd testified that the alert indicated that the Claimant was eligible to receive a Social Security Disability payment of \$647 per month beginning February 1, 2006. This information is also reflected in award letters the Claimant received from the Social Security Administration (D-3).
- 3) Ms. Boyd testified that receipt of the Social Security Disability income caused the Claimant's Food Stamps to decrease from \$18 to \$10 monthly and resulted in termination of the Claimant's SSI Medicaid since he was no longer eligible for Supplemental Security Income. The Department sent the Claimant a Notice of Decision (D-2) on January 18, 2006

advising him that the proposed Food Stamp reduction and Medicaid termination would be effective February 1, 2006.

- 4) West Virginia Income Maintenance Manual Chapter 10.4 (D-4) contains policy regarding income disregards and deductions related to the computation of Food Stamp benefits. This section states that to determine the Food Stamp allotment, the countable income and number in the Assistance Group must be determined.
- 5) West Virginia Income Maintenance Manual Section 10.4B lists income deductions and disregards for the Food Stamp Program. These deductions include the following:
 - Earned income disregard of 20 percent
 - Standard deduction of \$134 as noted in Chapter 10, Appendix B for a one-person Assistance Group
 - Dependent care deduction
 - Child support deduction
 - Homeless shelter standard deduction
 - Medical expenses in excess of \$35 per month for elderly or disabled members of the Assistance Group
 - Shelter/utility deduction
- 6) West Virginia Income Maintenance Manual Section 10.4C specifies that countable income is determined by computing household income and subtracting all allowable deductions based on the household circumstances. Once countable income is determined, the coupon allotment is determined by finding the countable income and the number in the Assistance Group in Chapter 10, Appendix C.
- 7) West Virginia Income Maintenance Manual Section 16.6A states:

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.
- 8) West Virginia Income Maintenance Manual Section 2.11C states that the worker closes the SSI Medicaid case when the client's name appears on

data exchange and the worker determines he is no longer eligible for SSI Medicaid.

VIII. CONCLUSIONS OF LAW:

- 1) West Virginia Income Maintenance Manual Chapter 10.4 B&C specifies that allowable deductions for the Food Stamp Program are as follows.
 - Earned income disregard of 20 percent
 - Standard deduction
 - Dependent care deduction
 - Child support deduction
 - Homeless shelter standard deduction
 - Medical expenses in excess of \$35 per month for elderly or disabled members of the Assistance Group
 - Shelter/utility deduction
- 2) Calculations listed in Exhibit D-2 indicate that the only income deduction for which the Claimant qualified as of January 18, 2006 was the standard deduction of \$134 for a one-person assistance group.
- 3) The Department calculated the Claimant's Food Stamp allotment effective February 1, 2006 as \$10. This allotment was computed as follows: \$647 gross income minus \$134 standard deduction = \$513 net adjusted income. This net adjusted income equates to a Food Stamp allotment of \$10 per month for a one-person Assistance Group as evidenced in West Virginia Income Maintenance Manual Chapter 10, Appendix C.
- 4) Based on information and testimony presented during the hearing, the Department correctly calculated the Claimant's Food Stamp allotment as specified in the January 18, 2006 notification based on household information available at the time of computation.
- 5) Policy dictates that the Social Security Administration's determination of eligibility for SSI is the sole eligibility determination for SSI Medicaid. When the worker determines that the SSI payment has stopped, SSI Medicaid is terminated.
- 6) Documentation and testimony provided during the hearing verifies that the Claimant's SSI payments stopped and he began receiving Social Security Disability effective February 2006.
- 7) The Department acted correctly in terminating the Claimant's SSI Medicaid benefits.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the action of the Department to decrease the Claimant's Food Stamp benefits and terminate SSI Medicaid.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 4th Day of May, 2006.

Pamela L. Hinzman
State Hearing Officer