



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

**Bill J. Crouch
Cabinet Secretary**

**Board of Review
PO Box 1247
433 Mid Atlantic Parkway
Martinsburg, West Virginia 25402**

**Jolynn Marra
Interim Inspector General**

Esta es la decision de su Audiencia Imparcial. La decision del Departamento ha sido confirmada/invertido/remitido. Si usted tiene preguntas, por favor llame a Keyla Dominquez o Ana Seymour, 304-267-0100

August 21, 2019

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 19-BOR-1970 & 19-BOR-1971

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 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,

Lori Woodward
State Hearing Officer
Member, State Board of Review

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

cc: Peter VanKleeck, BCF, [REDACTED] Co. DHHR

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

[REDACTED],

Appellant,

v.

**Action No.: 19-BOR-1970
19-BOR-1971**

**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 [REDACTED]. 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 August 6, 2019, on an appeal filed June 28, 2019.

The matter before the Hearing Officer arises from the Respondent's June 25, 2019 notice of decision to close SSI Medicaid benefits in addition to a verbal notification of possible Supplemental Nutrition Assistance Program (SNAP) benefit closure.

At the hearing, the Respondent appeared by Margaret Vloedman, Family Support Service Supervisor. The Appellant was represented by his mother, [REDACTED]. The witnesses were sworn, and the following documents were admitted into evidence:

Department's Exhibits:

- D-1 Hearing Summary
- D-2 West Virginia Income Maintenance Manual, Chapter 6, §6.3.4.B
- D-3 West Virginia Income Maintenance Manual, Chapter 10, §10.4.2.B.1
- D-4 West Virginia Income Maintenance Manual, Chapter 2, §2.2
- D-5 West Virginia Income Maintenance Manual, Chapter 1, §1.4.1.B

Appellant's Exhibits:

- A-1 Social Security Administration, Retirement, Survivors and Disability Insurance letter re [REDACTED]
- A-2 Letter from [REDACTED] dated July 11, 2019
- A-3 Progress Notes for [REDACTED] from [REDACTED] case notes for [REDACTED]

██████████ dated May 31, 2019; Echocardiogram Report for ██████████
dated June 6, 2019; Cardiac Diagnostic Report for ██████████ dated June
19, 2019

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) The Appellant receives Supplemental Security Income (SSI) benefits from the Social Security Administration (SSA).
- 2) 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. (IMM §23.11.1)
- 3) The Appellant is a recipient of West Virginia SSI Medicaid and SNAP benefits.
- 4) The Respondent received notice that the Appellant's Medicare Part B was being paid by the state of ██████████ (Exhibit D-1)
- 5) The State On-Line Query (SOLQ) showed that the Appellant's address on file with the SSA was ██████████. (Exhibit D-1)
- 6) On June 25, 2019, the Respondent sent notification of SSI Medicaid benefit closure to occur after July 31, 2019, based upon non-residency.
- 7) It is undisputed that the Appellant receives Medicaid from the state of ██████████
- 8) There was no evidence presented at the hearing showing closure of the Appellant's SNAP benefits.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (IMM), Chapter 23, §23.11.1, Supplemental Security Income (SSI), in part, explains that SSI is a public assistance program administered by the Social Security Administration (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. The worker uses information from data exchange between the Respondent and the SSA.

IMM, Chapter 10.14.1, *AG Closure*, in part, requires that a worker close the SSI Medicaid assistance group (AG) after advance notice when:

- The Worker receives a system alert and determines the individual is no longer eligible for SSI Medicaid.
- The Worker receives information from the Bureau of Medical Services (BMS) Buy-in Unit.
- The Worker receives information the client moved to another state. If the Worker receives information the client moved to another state and he has not received an alert, the Worker must notify the Social Security Administration (SSA) of the new address and indicate the Medicaid AG is being closed because the individual moved to another state.
- The Worker obtains information the client receives Medicaid in another state.
- The client reports, prior to Worker's receipt of system alert, he no longer receives an SSI payment because SSA determined he is no longer eligible. This does not include a temporary suspension of SSI payments to recover an overpayment.
- Information from Social Security's State On-line Query (SOLQ) shows the individual's SSI payment was terminated.
- The individual is eligible to enroll in Medicare and fails to do so.

DISCUSSION

The Appellant is a 23 year-old SSI recipient receiving SSI Medicaid and SNAP benefits from the state of West Virginia. On June 25, 2019, the Respondent received notice from the BMS Buy-in Unit that the Appellant was receiving Medicaid benefits in the state of [REDACTED]. A SOLQ database check revealed that the SSA showed the Appellant was residing in the state of [REDACTED]. Based upon this information, the Respondent sent a closure notice to the Appellant that his SSI Medicaid was being closed after July 31, 2019.

Policy directs closure of SSI Medicaid benefits upon several different circumstances. Among these listed circumstances requiring SSI Medicaid benefit closure is information derived from the BMS Buy-in Unit. Additionally, SSI Medicaid closure is required when information is obtained that the individual receives Medicaid in another state. The Respondent's representative testified that information was obtained from the BMS Buy-in Unit that the Appellant was receiving benefits from the state of [REDACTED]. This was confirmed by data provided by the SSA through the SOLQ system. The fact that the Appellant is receiving Medicaid benefits from [REDACTED] is also confirmed by the Appellant's guardian and representative, [REDACTED].

Ms. [REDACTED] maintains that the Appellant did not abandon his West Virginia residency, but that they had gone to [REDACTED] because they were "in the process" of relocating there. She testified that because she experienced a cardiac event on May 28, 2019, they were required to remain in [REDACTED] for an additional six (6) weeks. However, Ms. [REDACTED] explained that they intend to return to [REDACTED] permanently.

It is undisputed that the Appellant is receiving Medicaid benefits from the state of [REDACTED]. Because the Respondent received information from the BMS Buy-in unit, in addition to confirmation of the Appellant's [REDACTED] residency by the SSA database, policy requires that the Appellant's West Virginia SSI Medicaid benefits be closed. The Respondent's decision to terminate the Appellant's West Virginia SSI Medicaid benefits is affirmed.

As there was no evidence presented showing that the Respondent sent notification of SNAP closure to the Appellant, the issue was not ripe for appeal.

CONCLUSIONS OF LAW

- 1) Policy requires SSI Medicaid closure when there is information from the BMS Buy-in Unit.
- 2) Policy requires SSI Medicaid closure if information is obtained that an individual is receiving benefits from another state.
- 3) Policy also uses information obtained from the SSA to open, evaluate, and close continuing eligibility for SSI Medicaid cases.
- 4) The Respondent received information from the BMS Buy-in Unit that the Appellant receives Medicaid benefits from the state of [REDACTED].
- 5) The SSA database shows the Appellant resides in [REDACTED].
- 6) The Respondent correctly determined that the Appellant is ineligible to receive West Virginia SSI Medicaid benefits.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to terminate the Appellant's West Virginia SSI Medicaid benefits. The issue of SNAP benefit termination is found not to be ripe for appeal and is herein **dismissed** without prejudice.

ENTERED this 21st day of August 2019.

Lori Woodward, State Hearing Officer