



**State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
150 Maplewood Avenue  
Lewisburg, WV 24901**

**Joe Manchin III  
Governor**

**Martha Yeager Walker  
Secretary**

September 1, 2005

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

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

Attached is a copy of the findings of fact and conclusions of law on your hearing held June 8, 2005. Your hearing request was based on the Department of Health and Human Resources' proposal to terminate your benefits under the SSI Medicaid Program.

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 SSI Medicaid Program is based on current policy and regulations. Some of these regulations state as follows: Receipt of SSI is the only eligibility factor for SSI Medicaid. (Section 9.10 of the West Virginia Income Maintenance Manual)

The information which was submitted at your hearing revealed that your SSI stopped in February, 2005,

It is the decision of the State Hearing Officer to uphold the proposal of the Department to terminate your benefits under the SSI Medicaid Program.

Sincerely,

Margaret M. Mann  
State Hearing Officer  
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review  
Ana Lusk, Paralegal  
Susan Godby, DHHR

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

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

**v.**

**Action Number:** \_\_\_\_\_

**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 June 8, 2005 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 June 8, 2005 on a timely appeal, filed February 22, 2005.

It should be noted here that the claimant's benefits have been continued pending a hearing decision.

**II. PROGRAM PURPOSE:**

The Program entitled SSI 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  
\_\_\_\_\_, Claimant's Spouse  
[REDACTED] Paralegal, Legal Aid of WV  
Susan Godby, Department Hearing Representative

Presiding at the Hearing was Margaret M. Mann, 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 claimant meets the eligibility requirement of being a recipient of SSI in order to qualify for the SSI Medicaid Program.

### **V. APPLICABLE POLICY:**

Sections 9.10 and 16.6 of the West Virginia Income Maintenance Manual

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

#### **Department's Exhibits:**

- D-1 Copy of form IG-BR-29 Hearing/Grievance Record Information
- D-2 Section 16.6A of the West Virginia Income Maintenance Manual
- D-3 Notification Letter dated 02/16/05
- D-4 Department's Summary

### **VII. FINDINGS OF FACT:**

- 1) The claimant had been a recipient of SSI. The benefit stopped in February, 2005.
- 2) The claimant's income is \$570.00 from Social Security. The claimant's spouse receives \$539.00 Social Security.
- 3) The claimant would be required to meet a spenddown for SSI-Related Medicaid. He does not have any outstanding bills.
- 4) The claimant was notified in a letter dated 02/16/2005 that his SSI Medicaid would stop. Reason: This individual no longer receives SSI. (D-3)
- 5) **Section 9.10 of the West Virginia Income Maintenance Manual reads in part:**

Receipt of SSI is the only eligibility factor for SSI Medicaid.

6) **Section 16.6A of the West Virginia Income Maintenance Manual reads in part:**

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.

**VIII. CONCLUSIONS OF LAW:**

- 1) The claimant is not a recipient of SSI; therefore, he does not meet the eligibility criteria for the SSI Medicaid Program.

**IX. DECISION:**

It is the finding of the State Hearing Officer that the claimant does not meet the eligibility criteria for the SSI Medicaid Program as he is not a recipient of SSI. The Department is upheld in the proposal to terminate benefits under the SSI Medicaid Program. The action described in the notification letter dated February 16, 2005 will be taken.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 1st Day of September, 2005.**

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**Margaret M. Mann  
State Hearing Officer**