



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
227 Third Street  
Elkins, WV 26241

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

July 25, 2005

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

Dear Ms. \_\_\_\_\_:

Attached is a copy of the findings of fact and conclusions of law on your hearing held July 11, 2005. Your hearing request was based on the Department of Health and Human Resources' proposal to close your AFDC/U-Related Medicaid case because no eligible child resides in your home.

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 AFDC/U-Related Medicaid Program is based on current policy and regulations. Some of these regulations state as follows: To be associated with AFDC/U, there must be a dependent child. Children must be under the age of 18, whether or not they are attending school or training. A child who reaches age 18 on the first day of the month is not eligible for benefits for that month. However, a child over age 18 may be included in the benefit group when he is a full-time student in a secondary school, or the equivalent level of vocational or technical training, including summer breaks, and can be reasonably expected to complete the program before reaching age 19. (WV Income Maintenance Manual Sections 15.2 and 16.4)

Information submitted at your hearing revealed that your son turned 18 on May 1, 2005 and was not enrolled in a secondary school or equivalent vocational/technical training. Therefore, you are ineligible for AFDC/U-Related Medicaid and do not currently qualify for Medicaid under another coverage group.

It is the decision of the State Hearing Officer to **uphold** the proposal of the Department to terminate your AFDC/U-Related Medicaid benefits.

Sincerely,

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

cc: Erika H. Young, Chairman, Board of Review  
Kimberly Davis, Economic Service Worker, 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 July 25, 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 July 11, 2005 on a timely appeal filed May 9, 2005.

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

**II. PROGRAM PURPOSE:**

The program entitled AFDC/U-Related Medicaid is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources. The Medicaid categorically related to Aid to Families with Dependent Children Program is designed to provide medical assistance to eligible families with children from the fetal stage to age 18. These dependent children must be deprived of parental support due to the death, continued absence, incapacity, or unemployment of the parents. In addition, the family must meet financial eligibility criteria.

**III. PARTICIPANTS:**

\_\_\_\_\_, Claimant  
Kimberly Davis 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(s) to be decided is whether the Agency proposed the correct action to terminate the Claimant's AFDC/U-Related Medicaid benefits because there is no longer a dependent child in the home.

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

WV Income Maintenance Manual Sections 15.2 and 16.4

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

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

- D-1 Medicaid denial letter dated April 4, 2005
- D-2 Medicaid denial letter dated April 13, 2005
- D-3 WV Income Maintenance Manual Sections 15.2, 16.1 and 16.4

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

- 1) The Claimant was eligible for AFDC/U-Related Medicaid through April 2005 based on her husband's disability and her son's age and school enrollment status.
- 2) The Claimant's son turned 18 on May 1, 2005 and was no longer enrolled in school. Ms. Davis testified that information from [REDACTED] indicated the Claimant's son had not attended GED classes since March 24, 2005. Ms. Davis stated that the Claimant could have remained eligible for AFDC/U-Related Medicaid once her son turned 18 if the child had continued to attend school on a full-time basis.
- 3) At the time of the proposed case closure, the Claimant did not have a recognized disability and was ineligible for Medicaid under any other coverage group. The Claimant has since applied for SSI-Related Medicaid based on disability and that application is pending the decision of the Medical Review Team.
- 4) The Claimant was sent Medicaid denial letters on April 4, 2005 (D-1) and April 13, 2005 (D-2).
- 5) Ms. \_\_\_\_\_ testified that she is experiencing various medical problems and wishes to continue her Medicaid coverage.
- 6) WV Income Maintenance Manual Section 15.2 (D-3) states that to qualify for AFDC/U-Related Medicaid:

Children must be under the age of 18, whether or not they are attending school or training. A child who reaches age 18 on the first day of the month is not

eligible for benefits for that month. However, a child over age 18 may be included in the benefit group when he:

- Is a full-time student in a secondary school, or the equivalent level of vocational or technical training, including summer breaks; and
- Can be reasonably expected to complete the program before reaching age 19; and
- Meets all other eligibility requirements.

7) WV Income Maintenance Manual Section 16.4 (D-3) states:

All Medicaid coverage groups are assigned to one of two broad sections: Categorically Needy and Medically Needy.

Persons eligible under either section must be “associated” with a “category” of cash public assistance, either the former Aid to Families with Dependent Children (AFDC/U) Program or Supplemental Security Income (SSI). To be associated with AFDC/U, there must be a dependent child. To be associated with SSI, the individual must be aged, blind or disabled, according to SSA guidelines.

### **VIII. CONCLUSIONS OF LAW:**

- 1) The Department proposed closure of the Claimant’s AFDC/U-Related Medicaid because her son was no longer considered a dependent child upon turning 18 years of age.
- 2) The Claimant could have remained eligible for AFDC/U-Related Medicaid had her son been enrolled in a secondary school, or the equivalent level of vocational or technical training. Testimony indicated, however, that the Claimant’s son was not enrolled in school/training upon reaching age 18 on May 1, 2005.
- 3) The Claimant has not been found disabled under Social Security Administration guidelines and does not currently qualify for SSI-Related Medicaid.
- 4) The Claimant is ineligible for AFDC/U-Related Medicaid because her son is not enrolled in school or equivalent technical/vocational training and she has no other children in her household under the age of 18.
- 5) The Claimant has not been determined disabled and does not qualify for another Medicaid coverage group.

### **IX. DECISION:**

It is the decision of the State Hearing Officer to **uphold** the Department’s proposal to close the Claimant’s AFDC/U-Related Medicaid benefits.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 25th Day of July, 2005.**

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**Pamela L. Hinzman  
State Hearing Officer**