



**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 22, 2005

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

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

Attached is a copy of the findings of fact and conclusions of law on your hearing held August 23, 2005. Your hearing request was based on the Department of Health and Human Resources' proposal to terminate your SSI Medicaid benefits.

In arriving at a decision, the State Hearings 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. (Section 9.10 of the West Virginia Income Maintenance Manual).

The information which was submitted at your hearing revealed that you are no longer a recipient of SSI..

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  
Lucinda Lambert, 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 August 23, 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 August 23, 2005 on a timely appeal, filed March 18, 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 (By Telephone)  
Lucinda Lambert, 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 Department is correct in the decision to discontinue the claimant's medical card under SSI Medicaid as the claimant is no longer a recipient of SSI.

### **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 IG-BR-29 Hearing/Grievance Record Information
- D-2 Copy of notification letter dated 03/15/2005
- D-3 Copy of WVIMM Section 16.6
- D-4 Copy of Department's Summary

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

- 1) The claimant's SSI Medicaid case was opened in December, 1994. It was discovered by the case worker that Ms. \_\_\_\_\_ started receiving \$624.00 Social Security on February 23, 2005 while doing COLA updates.
- 2) The SSI payments had stopped. A termination notice for SSI Medicaid was sent 03/15/2005. (D-2)
- 3) SSI-Related Medicaid was discussed with the claimant. She has no bills to meet the eligibility factor of a spenddown. The claimant has applied for the ADW Medicaid Program.
- 4) The claimant confirmed she is no longer receiving SSI. She has been approved for ADW services and has been placed on the wait list until July.
- 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 receipt of SSI is the only eligibility factor for SSI Medicaid.
- 2) The claimant is no longer a recipient of SSI; therefore, she does not meet the eligibility criteria for the program.

**IX. DECISION:**

The Department is upheld in the proposal to terminate the claimant's benefits under SSI Medicaid as the claimant is no longer a recipient of SSI. The action described in the notification letter dated March 15, 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 22nd Day of September, 2005.**

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**Margaret M. Mann  
State Hearing Officer**