



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
2699 Park Avenue, Suite 100  
Huntington, WV 25704

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

May 30, 2006

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

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

Attached is a copy of the findings of fact and conclusions of law on your hearing held May 25, 2006. Your hearing request was based on the Department of Health and Human Resources' proposal to close your SSI Medicaid Program case.

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. One of these regulations specifies that when the SSI benefit is terminated, the SSI Medicaid case must be closed [WV Income Maintenance Manual Section 2.11].

The information which was submitted at your hearing revealed that your SSI benefits ended in March, 2006 and you are no longer eligible for the SSI Medicaid Program.

It is the decision of the State Hearings Officer to **uphold** the proposal of the Department to close your SSI Medicaid Program case.

Sincerely,

Thomas M. Smith  
State Hearing Officer  
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review  
Brenda Bailey, Dept. Hearing Rep.

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

\_\_\_\_,

**Claimant,**

**v.**

**Action Number: 06-BOR-1593**

**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 25, 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 May 25, 2006 on a timely appeal, filed April 7, 2006.

**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 father.

Brenda Bailey, ESW, DHHR.

Presiding at the Hearing was Thomas M. Smith, 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 the proposal to close the claimant's SSI Medicaid Program case due to non-receipt of SSI benefits.

**V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual Section 2.11.

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

**Department's Exhibits:**

- A Copy of hearing summary.
- B Copy of notification letter dated 3-29-06 (2 pages).
- C Copy of letter from Social Security Administration (3 pages).
- D Copy of WV Income Maintenance Manual Sections 16.6 & 2.11 (2 pages).

**Claimant's Exhibit**

None.

**VII. FINDINGS OF FACT:**

- 1) The claimant was receiving SSI Medicaid benefits when an SDX need to evaluate alert was received by the caseworker on 3-28-06 indicating that the claimant was no longer receiving SSI benefits due to cessation of disability.
- 2) The caseworker also checked the SOLQ inquiry system and verified that the claimant's SSI benefits had stopped and action was taken to close the SSI Medicaid Program case with notification of closure sent on 3-29-06 (Exhibit #B) effective 4-30-06.
- 3) The claimant requested a hearing and pre-hearing conference on 4-7-06 and a pre-hearing conference was held on 4-19-06 and the issue was not resolved. Ms. Bailey testified that the claimant did not wish to be evaluated for another Medicaid Program until the hearing process was over.
- 4) The claimant testified that he had received SSI benefits since he was a child but the SSI benefits have stopped.
- 5) Mr. \_\_\_\_ testified that his son received his last SSI check in March, 2006, that he has anger problems and takes blood pressure medicine, and that he has not yet appealed the decision to stop the SSI benefits.

- 6) West Virginia Income Maintenance Manual ' 2.11 (C):  
CLOSURE OF THE SSI MEDICAID CASE

The Worker closes the SSI Medicaid case when:

- The client appears on the Need to Evaluate printout and the Worker determines he is no longer eligible for SSI Medicaid.

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

- 1) The evidence submitted at the hearing revealed that the claimant's SSI benefits stopped in March, 2006 due to disability no longer established.
- 2) Regulations in WV Income Maintenance Manual Section 2.11 indicate that the SSI Medicaid case will be closed when the client no longer receives SSI benefits.

### **IX. DECISION:**

The testimony received at the hearing clearly indicates that the claimant's SSI benefits ended in March, 2006 and that he was determined no longer disabled by the Social Security Administration.

It is the ruling of this Hearing Officer to **uphold** the action of the Department to close the SSI Medicaid Program case effective 4-30-06.

### **X. RIGHT OF APPEAL:**

See Attachment

### **XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 30th Day of May, 2006.**

---

**Thomas M. Smith**  
**State Hearing Officer**