



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

January 26, 2007

Dear Mrs. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held January 24, 2007. Your hearing request was based on the Department of Health and Human Resources' action to close your SSI Medicaid Program cases.

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 the SSI benefits for both you and your husband ended in October, 2006 and you are no longer eligible for the SSI Medicaid Program.

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

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-3481

**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 January 24, 2007 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 January 24, 2007 on a timely appeal, filed December 20, 2006. It should be noted that the hearing was originally scheduled for January 10, 2007 but was rescheduled at Department's request.

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 husband.
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 action to close the SSI Medicaid Program cases of the claimant and her husband due to non-receipt of SSI benefits.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Sections 2.11, 16.6.

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- A Copy of hearing summary (2 pages).
- B Copy of verification of Social Security benefits 1-17-07 (2 pages).
- C Copy of pre-hearing conference letter 12-20-06.
- D Copy of closure notification letter 12-6-06 (2 pages).
- E Copy of verification checklist 12-5-06 (3 pages).
- F Copy of denial letter 1-4-07 (2 pages).
- G Copy of Income Maintenance Manual Sections 16.6, 10.22 & 2.11 (11 pages).
- H Copy of LIEAP application (2 pages).

Claimant's Exhibit

None.

VII. FINDINGS OF FACT:

- 1) The claimant and her husband were receiving SSI Medicaid benefits when an application for the Low Income Energy Assistance Program (LIEAP) was received in the local office on 12-4-06 showing that both were receiving Social Security benefits (RSDI) and that Mr. _____ was also receiving Workers Compensation (Exhibit #H).
- 2) The caseworker also checked the SOLQ inquiry system and verified that the claimant and her husband's SSI benefits had stopped effective November, 2006 due to excessive income caused by the onset of RSDI (Exhibit #B).
- 3) A notification letter was sent to notify the claimant that the SSI Medicaid cases of her and her husband would be closed effective January 1, 2007 as they no longer received SSI benefits (Exhibit #D) and the case was evaluated for SSI-related Medicaid and the claimant was notified that a spenddown of \$7698 would have to be met (Exhibit #E). (It should be noted that the Medicaid spenddown application was denied 1-4-07 as the

claimant did not provide sufficient bills to meet the spenddown but the hearing issue involved the closure of the SSI Medicaid cases).

- 4) Testimony from the claimant purported that they did not receive the pre-hearing conference letter but that they did receive the closure letter and that she was extremely sick and unable to request the hearing in time for continued benefits.
- 5) Testimony from the claimant's husband purported that he received RSDI of \$762 and Workers Compensation of \$484 per month and his wife receives \$332 RSDI, that the SSI for both of them stopped in October, 2006, that medications cost around \$25,000 per year for both of them, and that they have no other medical insurance.
- 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) 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.
- 2) The evidence submitted at the hearing revealed that the claimant and her husband's SSI benefits were discontinued after October, 2006.

IX. DECISION:

The evidence and testimony received at the hearing clearly indicates that the claimant and her husband's SSI benefits ended in October, 2006.

It is the ruling of this Hearing Officer to **uphold** the action of the Department to close the SSI Medicaid Program cases effective 12-31-06.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 26th Day of January, 2007.

Thomas M. Smith
State Hearing Officer