



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
P. O. Box 1736  
Romney, WV 26757

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

April 11, 2007

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

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

Attached is a copy of the findings of fact and conclusions of law on your hearing held April 4, 2007. Your hearing request was based on the Department of Health and Human Resources' action to discontinue your AFDC related Medicaid coverage and deny you coverage under SSI related Medicaid.

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 Medicaid Program (AFDC-Related) is based on current policy and regulations. One of these regulations states in part that: Parents or other caretaker relatives and dependent children are eligible for Medicaid when the children are deprived of parental support and care. (SSI-Related) Medicaid is for adults who are unable to engage in any substantial gainful activity due to any medically determined physical or mental impairment, which has lasted or can be expected to last for a continuous period of not less than 12 months or can be expected to result in death.

The information, which was submitted at your hearing, revealed that you no longer have a child residing with you and that your child is now residing and receiving support and care from his father. It further determined that you were not disabled.

It is the decision of the State Hearings Officer to **uphold** the action of the Department to discontinue your (AFDC-related) Medicaid and deny (SSI-related) Medicaid.

Sincerely,

Sharon K. Yoho  
State Hearing Officer  
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review  
Catherine Hoeck, DHHR

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

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

**v.**

**Action Number: 07-BOR-866**

**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 April 4, 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 April 4, 2007 on a timely appeal, filed February 15, 2007.

**II. PROGRAM PURPOSE:**

The Program entitled 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 (AFDC) 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.

The SSI-Related Medicaid Program is a segment of the Medicaid Program available to individuals who meet the requirement of categorical relatedness by qualifying as either aged disabled, or blind as those terms are defined by the Social Security Administration for purposes of eligibility for SSI.

### **III. PARTICIPANTS:**

\_\_\_\_\_, Claimant  
Catherine Hoeck, Income Maintenance Supervisor, DHHR

Presiding at the Hearing was Sharon K. Yoho, 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 their action to terminate the Claimant's AFDC-Related Medicaid benefits due to no children residing with her and to deny SSI-Related Medicaid.

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

West Virginia Income Maintenance Manual Section 16.4, 16.8, 16.9 & 12.2 (A)

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

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

- D-1 Notification letter dated February 1, 2007
- D-2 WV Income Maintenance Manual Chapter 16.4
- D-3 WV Income Maintenance Manual Chapter 16.9

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

- 1) The claimant had been an active AFDC related Medicaid recipient when she reported that her 17-year-old son was no longer residing with her.
- 2) The Department removed the child from the case which automatically terminated the AFDC related Medicaid for both the child and the claimant.
- 3) The Department reassessed the claimant's eligibility under the SSI-related Medicaid program and determined that the claimant was not claiming to be disabled. A notification letter dated February 1, 2007 advised the claimant that application for Medicaid Assistance had been denied. The notice stated that: "This individual is not Aged, Blind, or Disabled which is a requirement for this Medicaid coverage."
- 4) The claimant has a Bachelor of Arts College Degree and is actively seeking employment. The Department offered information to the claimant during this hearing about a new Medicaid program for working adults.

- 5) West Virginia Income Maintenance Manual § 16.4:  
Categorically Needy Medicaid recipients are those who:  
Receive AFDC Medicaid; or  
Receive SSI payments; or  
Are required by federal law to be treated as AFDC/U recipients, according to the guidelines of the former cash assistance program for Medicaid purposes, or as SSI recipients; or  
Are pregnant women, children, aged, blind or disabled persons whose income eligibility is based on the Federal Poverty Level (FPL)  
Medically Needy Medicaid recipients are those who would be eligible for AFDC Medicaid or SSI except that their income and /or assets are too high.
- 6) West Virginia Income Maintenance Manual § 16.8:  
  
Parents or other caretaker relative and dependent children are eligible for Medicaid when all of the AFDC/U Medicaid eligibility requirements are met.  
  
The children must be deprived of parental support and care due to one of the deprivation factors found in Chapter 15.
- 7) West Virginia Income Maintenance Manual § 16.9:  
Individuals who meet the SSI definition of aged, blind, or disabled are eligible for Medicaid. Note: Medically Needy coverage groups are subject to a spenddown provision if countable income is not under the Medically Needy Income Level, MNIL.
- 8) West Virginia Income Maintenance Manual ' 12.2 (A):  
The definition of disability for Medicaid purposes is the same as the definitions used by SSA in determining eligibility for SSI or RSDI based on disability.  
An individual who is age 18 or over is considered to be disabled if he is unable to engage in any substantial gainful activity due to any medically determined physical or mental impairment, which has lasted or can be expected to last for a continuous period of not less than 12 months or can be expected to result in death.

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

- 1) Policy provides that AFDC Related Medicaid provides coverage for parents or caretaker relatives of children deprived of parental support and care. The claimant does not reside with any children at this time.
- 2) Policy stipulates that in order to receive SSI Related Medicaid for an adult, the adult must be aged, blind or disabled. This claimant does not claim to be age, blind or disabled.

**IX. DECISION:**

It is the ruling of this Hearing Officer to **uphold** the action of the Department to discontinue your AFDC Related Medicaid and to deny coverage under SSI-Related Medicaid.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 11th Day of April 2007.**

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**Sharon K. Yoho  
State Hearing Officer**