



**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

June 1, 2007

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

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

Attached is a copy of the findings of fact and conclusions of law on your hearing held May 30, 2007. 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 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 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  
Patrick McKinney, DHHR

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

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

**v.**

**Action Number: 07-BOR-1178**

**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 30, 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 May 30, 2007 on a timely appeal, filed April 12, 2007.

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's Representative and MPOA  
Patrick McKinney, 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 9.10C and 16.6 of the West Virginia Income Maintenance Manual

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

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

D-1 Notification Letter dated 04/11/2007

D-2 Sections 16.6A, 10.22D.11, and 1.22H of the West Virginia Income Maintenance Manual

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

- 1) The Claimant was a recipient of a medical card because he was receiving SSI. The Claimant's worker received a case alert 04/04/2007 from the Social Security Administration informing the Department that the Claimant's SSI had stopped and that he was receiving RSDI in the amount of \$1568. The case was evaluated to see if the Claimant could meet a spenddown. He could not because he did not have any outstanding bills.
- 2) A notice was sent to the Claimant dated 04/11/2007 which reads in part: Your SSI Medicaid will stop. Reason: The individual listed below (\_\_\_\_\_) no longer receives SSI. (Exhibit D-1) The Claimant requested a hearing on 04/12/2007. Benefits have continued pending the hearing decision.
- 3) Testimony from the Claimant's Representative revealed that the Claimant is receiving RSDI benefits. The Claimant is legally blind and his medicine costs \$980.00 monthly. This does not include some of his medication. His medical ailments include but are not limited to kidney failure, diabetes, and high blood pressure.

4) **Section 9.10C of the West Virginia Income Maintenance Manual reads in part:**

Receipt of SSI is the only eligibility factor for SSI Medicaid.

5) **Section 16.6A of the West Virginia Income Maintenance Manual reads in part:**

There is no application or eligibility determination process for SSI Medicaid.  
The Department depends upon SSA for the information needed to open, evaluate  
and close 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, he does not meet the eligibility criteria for the program.
- 3) The case was evaluated for another category of Medicaid. The Claimant could not meet a spenddown as he had no outstanding medical expenses.
- 4) The proposed termination of the SSI Medicaid case is valid.

**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 April 11, 2007 will be taken.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 1st Day of June, 2007.**

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**Margaret M. Mann  
State Hearing Officer**