



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1400 Virginia Street
Oak Hill, WV 25901

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

December 11, 2008

Dear _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held December 3, 2008. Your hearing request was based on the Department of Health and Human Resources' decision to deny your SSI-Related Medicaid application for failure to verify assets.

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-Related Medicaid is based on current policy and regulations. Some of these regulations state as follows: The primary responsibility for providing verification rests with the client. Failure of the client to provide necessary information, results in denial of the application or closure of the active case, provided the client has access to such information (West Virginia Income Maintenance Manual § 4.1A).

The information submitted at your hearing revealed that you submitted the required verification necessary for the Department to make a determination of asset eligibility.

It is the decision of the State Hearings Officer to **reverse** the decision of the Department to deny your SSI-Related Medicaid application for failure to verify assets.

Sincerely,

Kristi Logan
State Hearings Officer
Member, State Board of Review

Cc: Erika H. Young, Chairman, Board of Review
Susan Godby, Economic Service Supervisor

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

_____,

Claimant,

v.

Action Number: 08-BOR-2378

**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 December 3, 2008 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 December 3, 2008 on a timely appeal, filed October 24, 2008.

II. PROGRAM PURPOSE:

The Program entitled SSI-Related Medicaid is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

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

_____, Claimant's Estranged Wife

Susan Godby, Economic Service Supervisor

Presiding at the Hearing was Kristi Logan, State Hearing Officer and a member of the State Board of Review.

IV. QUESTIONS TO BE DECIDED:

The question(s) to be decided is whether or not the Department correctly denied Claimant's SSI-Related Medicaid application.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual § 4.1 A

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Form IG-BR-29
- D-2 Notification Letter dated September 10, 2008
- D-3 West Virginia Income Maintenance Manual § 10.22
- D-4 Department's Case Summary

Claimants' Exhibits:

- C-1 Vehicle Estimate from Harrison's Automotive dated July 31, 2008
- C-2 Denial Notification Letter dated July 29, 2008
- C-3 List of Medications and Household Expenses
- C-4 Business Card for [REDACTED] of [REDACTED]
- C-5 Patient Financial Estimate
- C-6 Correspondence from MedAssist dated September 15, 2008
- C-7 Medical Bills

VII. FINDINGS OF FACT:

- 1) An application for SSI-Related Medicaid was made by [REDACTED] Health Care Representative with [REDACTED] on August 7, 2008. Claimant owned several vehicles and an estimate was provided to the hospital worker taking the application. The hospital worker requested the estimate list a value for each vehicle separately and be resubmitted to make a determination of asset eligibility.
- 2) A denial notification letter dated September 10, 2008 was issued and read in pertinent parts (D-2):

Your 7/28/08 application for SSI-Related Medicaid for the Aged, Blind and Disabled has been denied. You did not turn in all requested information.

The following information was not verified: Automobile/Pickup Truck
Proof of fair market value of this asset.

- 3) Claimant's estranged wife, _____, testified on Claimant's behalf. Claimant first applied for Medicaid in June 2008 and was denied because he did not verify the value of his vehicles (C-2). They had obtained an estimate on all his vehicles which was provided at his application in August 2008 while he was hospitalized at _____. Claimant was discharged and they took the estimate back to _____ Automotive and had them list the values of each vehicle separately (C-1).

Claimant was then hospitalized at _____ Hospital and his case was transferred to the hospital worker there. The hospital worker at _____ Hospital had requested the vehicle estimate be provided and had even sent him a self-addressed envelope to return it to her in. _____ testified the vehicle estimate showing individual values was returned to the hospital worker at _____ Hospital and a copy was also sent to Ms. _____ at _____.

- 4) _____ testified that Claimant moved out of their home to live with his aunt in December 2007. He moved back in and stayed for May and June 2008 but left again in July 2008. He currently lives with his aunt in _____ WV. Claimant's homestead property is in his name only and his vehicles are jointly owned with _____. Claimant and _____ agreed with the vehicle estimate provided by _____ Automotive. Claimant pays all the household expenses.

- 5) West Virginia Income Maintenance Manual § 4.1 A states:

The primary responsibility for providing verification rests with the client. Failure of the client to provide necessary information or to sign authorizations for release of information, results in denial of the application or closure of the active case, provided the client has access to such information and is physically and mentally able to provide it.

VIII. CONCLUSIONS OF LAW:

- 1) Policy dictates that the primary responsibility in obtaining required verification rests with the client. Claimant and _____ provided credible testimony that they returned the vehicle estimate as requested to Claimant's worker.
- 2) While there may be a question of asset eligibility, that issue cannot be addressed in this decision. Claimant will have the opportunity appeal that matter if a denial is issued for that reason.
- 3) The Department incorrectly denied Claimant's SSI-Related Medicaid application for failure to verify assets.

IX. DECISION:

It is the decision of the State Hearing Officer to **reverse** the decision of the Department to deny Claimant's SSI-Related Medicaid application for failure to verify assets.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 11th Day of December, 2008.

**Kristi Logan
State Hearing Officer**