



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

July 9, 2008

Dear Ms. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held July 2, 2008. Your hearing request was based on the Department of Health and Human Resources' decision to terminate your SSI 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 SSI Medicaid program is based on current policy and regulations. Some of these regulations state as follows: Supplemental Security Income (SSI) recipients receive Medicaid coverage under the West Virginia Medicaid Program on the basis of their eligibility for SSI. The West Virginia Department of Health and Human Resources depends on information from the Social Security Administration in certifying Medicaid cases under this coverage group (West Virginia Income Maintenance Manual ' 16.6).

The information which was submitted at your hearing revealed that you are not currently receiving SSI and are therefore no longer eligible to receive SSI Medicaid.

It is the decision of the State Hearings Officer to **uphold** the decision of the Department to terminate your SSI Medicaid.

Sincerely,

Kristi Logan
State Hearings Officer
Member, State Board of Review

Cc: Erika Young, Chairman, Board of Review
Barry Jenkins, Economic Service Supervisor

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

_____,
Claimant,

v.

Action Number: 08-BOR-1431

**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 July 2, 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 July 2, 2008 on a timely appeal, filed May 21, 2008.

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 the Social Security Administration's (SSA) 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

_____, Claimant's step-mother
Barry Jenkins, 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 the Department's decision to terminate Claimant's SSI Medicaid was correct.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual § 16.6

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Hearing Appointment Letter
- D-2 Hearing Request received May 19, 2008
- D-3 Form IG-BR-29
- D-4 Notification Letter dated May 16, 2008
- D-5 West Virginia Income Maintenance Manual § 16.6
- D-6 Department's Case Summary

Claimants' Exhibits:

- C-1 None

VII. FINDINGS OF FACT:

- 1) Claimant had been receiving Supplemental Security Income (SSI) since 2003. In May 2008 the Department discovered that Claimant's SSI ended in December 2007. A notification letter was issued and read in part (D-4):

Your SSI Medicaid will stop. You will not receive this benefit after May 2008. This individual no longer receives SSI.

- 2) Claimant's father, _____, testified that Claimant's SSI ended when he was notified by the Social Security Administration (SSA) that Claimant was eligible to start receiving Social Security Disability. She receives \$353 a month from her mother's earnings and \$263 a month from her own earnings. Mr. _____ stated they encouraged Claimant to work part-time so she would not be sitting around the house all day. He did not realize that her earnings and the onset of the Social Security would terminate her Medicaid coverage. He was advised by the SSA that the receipt of Social Security Disability instead of the SSI would not change anything.

Mr. _____ stated they are unable to obtain health insurance for Claimant due to her disabilities. She needs the Medicaid cover her health problems and her medications.

- 3) West Virginia Income Maintenance Manual §16.6 A states:

The amendment to the Social Security Act which established SSI and subsequent rules and regulations gave the states some options regarding Medicaid coverage for SSI recipients. West Virginia elected to cover all SSI recipients and to accept SSA's determination of eligibility for SSI as the sole eligibility determination for Medicaid (for Recipients of SSI).

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 evaluate continuing eligibility for SSI Medicaid cases.

VIII. CONCLUSIONS OF LAW:

- 1) As dictated by policy, eligibility for SSI Medicaid lies with the Social Security Administration's determination of the eligibility for SSI.
- 2) Claimant no longer receives SSI and is therefore no longer eligible to receive SSI Medicaid.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to terminate Claimant's SSI Medicaid.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 9th Day of July, 2008.

**Kristi Logan
State Hearing Officer**