



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

August 7, 2008

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

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

Attached is a copy of the findings of fact and conclusions of law on your hearing held August 5, 2008. Your hearing request was based on the Department of Health and Human Resources' decision to terminate your SSI-Related Medicaid due to your failure to verify the availability of an asset.

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 program 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 which was submitted at your hearing revealed that you were unable to obtain the requested information regarding the accessibility of your retirement account and the Department should have assisted you in acquiring it. Furthermore, this account is unavailable to the client at this time.

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

Sincerely,

Kristi Logan  
State Hearings Officer  
Member, State Board of Review

Cc: Erika 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-1628**

**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 August 5, 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 August 5, 2008 on a timely appeal, filed June 16, 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-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  
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 the Department's decision to terminate Claimant's SSI-Related Medicaid is correct.

**V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual § 4.1

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

**Department's Exhibits:**

- D-1 Form IG-BR-29
- D-2 Notification Letter dated June 19, 2008
- D-3 Verification Checklist Form (ES-6) dated June 2, 2008
- D-4 West Virginia Income Maintenance Manual § 4.1, 11.3 and 11.4
- D-5 Department's Case Summary

**Claimants' Exhibits:**

- C-1 Social Security Award Letter
- C-2 Prescription Receipt for Enbrel dated July 30, 2008

**VII. FINDINGS OF FACT:**

- 1) Claimant's SSI-Related Medicaid was reviewed on June 2, 2008. Claimant advised his caseworker that he a retirement plan worth \$17,000. Claimant's caseworker gave him a verification checklist that date asking for the following information to be returned by June 12, 2008 (D-3):

Other/Pension/Retirement: Proof of unearned income gross payment amount  
Automobile/Pickup Tr[uck]: Proof of the fair market value of this asset  
Other Liquid Assets: Proof of the value of this asset

- 2) Claimant's SSI-Related Medicaid was closed on June 18, 2008 when the requested verifications had not been received. A notification letter dated June 19, 2009 was issued and read in part (D-2):

Your SSI-Related Medicaid for the Aged, Blind and Disabled will stop. You will not receive this benefit after June 2008. You did not turn in all requested information.

Closure as per your phone call stating pension of \$17,000 is available asset no response on verification.

The Department contended the issue of the value of Claimant's vehicles was resolved and his Medicaid was terminated for his failure to verify the amount in the retirement account that was available to him.

- 3) Claimant testified that he did have a retirement account of approximately \$17,000 with the \_\_\_\_\_, where he had worked for sixteen (16) years. He applied to start receiving monthly installments from this account in June 2008. He chose the \_\_\_\_\_ installments instead of receiving a lump sum because his employer will match the \_\_\_\_\_ amount if receiving installments. He has not been approved or received any money yet.

Claimant stated he had been unable to get a statement about the account. He was supposed to receive something a month ago. He knows he has around \$17,000 in it from his year-to-date contribution statements he received while working.

He has three (3) vehicles, a 1959 Ford Truck, a 1972 Chevy Truck and a 1988 Jeep Cherokee. He valued them all at \$200 each.

- 4) 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.

- 5) West Virginia Income Maintenance Manual 4.1 B states:

If the client is unsuccessful in obtaining information, or, if physical or mental limitations prevent his compliance, and there is no one to assist him, the Worker must obtain the verification.

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

- 1) Policy dictates that the primary responsibility in obtaining required verification rests with the client. However, if the client is unable to obtain the information, the worker must obtain it for him.
- 2) Claimant applied to start receiving the monies from his retirement account in June 2008. He had not been approved for the disbursement nor had he received a statement verifying the amount and availability of the monies. Claimant had notified the Department that he was trying to obtain this information.
- 3) The Department should have assisted Claimant in obtaining the verification of his pension plan when it was made known that he did not have the information yet.

Claimant has not received the verification or any of the money. As of Claimant's review in June 2008, the money in his retirement account was not accessible to him.

- 4) Claimant's SSI-Related Medicaid was terminated improperly since he was unable to provide the requested verification and the money in the account is not accessible at this time.

**IX. DECISION:**

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

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 7<sup>th</sup> Day of August, 2008.**

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**Kristi Logan  
State Hearing Officer**