



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW  
1400 Virginia Street  
Oak Hill, WV 25901

Earl Ray Tomblin  
Governor

Karen L. Bowling  
Cabinet Secretary

December 8, 2016

[REDACTED]  
[REDACTED]  
[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 16-BOR-3024

Dear [REDACTED]:

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

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.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Kristi Logan  
State Hearing Officer  
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision  
Form IG-BR-29

cc: Holly Edwards, [REDACTED] County DHHR

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

██████████,

**Appellant,**

**v.**

**Action Number: 16-BOR-3024**

**WEST VIRGINIA DEPARTMENT OF  
HEALTH AND HUMAN RESOURCES,**

**Respondent.**

**DECISION OF STATE HEARING OFFICER**

**INTRODUCTION**

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing was convened on December 6, 2016, on an appeal filed January 27, 2016.

The matter before the Hearing Officer arises from the January 15, 2016, decision by the Respondent to terminate the Appellant's SSI Medicaid benefits.

At the hearing, the Respondent appeared by Holly Edwards, Economic Service Supervisor. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**Respondent's Exhibits:**

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

**FINDINGS OF FACT**

- 1) The Appellant was a former recipient of Supplemental Security Income (SSI) benefits and SSI Medicaid benefits.

- 2) The Appellant reported the onset of Retirement, Survivors, Disability Income (RSDI) benefits and the loss of SSI at her December 2014 Supplemental Nutrition Assistance Program (SNAP) redetermination.
- 3) The Appellant continued to receive SSI Medicaid benefits through January 2016, when it was discovered that SSI Medicaid benefits should have been terminated when the Appellant's SSI was terminated.
- 4) The Respondent notified the Appellant on January 15, 2016, that her SSI Medicaid benefit would terminate effective February 1, 2016.
- 5) The Appellant submitted a request for hearing to the Respondent on January 27, 2016, and requested a continuation of benefits pending a hearing decision.

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual §16.6(A) states that West Virginia elected to cover all SSI recipients and to accept Social Security Administration's determination of eligibility for SSI as the sole eligibility determination for SSI Medicaid. Consequently, 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. Therefore, SSI Medicaid eligibility ends when SSI ends.

West Virginia Income Maintenance Manual §2.11(C) states that the Worker will close the SSI Medicaid Assistance Group when the client reports that he or she is no longer eligible for SSI payments.

West Virginia Income Maintenance Manual §6.3(D)(2)(b)(3)(a) states that when the client requests a Pre-Hearing Conference or a Fair Hearing before the date of proposed closure or reduction, benefits are restored or reinstated immediately, whether or not the client requests reinstatement. If the client specifically requests benefits not be reinstated, verbally, by checking the appropriate section of the DFA-FH-1 or in some other written manner, no reinstatement action will be taken.

No change is made in Assistance Group status or benefit levels having to do with the current issue until a final decision is made as a result of a Pre-Hearing Conference or Fair Hearing.

### **DISCUSSION**

The sole eligibility requirement to receive SSI Medicaid is that the individual must be receiving SSI payments. The Appellant reported the loss of SSI payments in December 2014, however; the Respondent continued to issue SSI Medicaid benefits through January 2016.

Upon discovering the error, the Respondent notified the Appellant on January 15, 2016, that her SSI Medicaid benefits would terminate effective February 1, 2016. The Appellant requested a hearing on January 27, 2016.

The Appellant did not dispute that she no longer receives SSI payments and is therefore no longer eligible for SSI Medicaid benefits. The Appellant contended that her SSI Medicaid should have continued pending a hearing decision. It should be noted that the Respondent did not act upon the Appellant's request for hearing until November 2016, but it does not dispute that the Appellant requested a hearing in January 2016.

The Appellant requested a hearing prior to the effective date of the SSI Medicaid closure and was entitled to receive continued benefits pending the outcome of the hearing.

### **CONCLUSIONS OF LAW**

- 1) Pursuant to policy, eligibility for SSI Medicaid is dependent upon the receipt of SSI payments.
- 2) The Appellant last received SSI payments in 2014.
- 3) The Appellant is no longer eligible to receive SSI Medicaid.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the decision of the Respondent to terminate the Appellant's SSI Medicaid benefits and it is hereby **ORDERED** that the Respondent issue retroactive SSI Medicaid benefits from February 2016 through December 2016.

**ENTERED this 8<sup>th</sup> day of December 2016**

---

**Kristi Logan**  
**State Hearing Officer**