



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL

Jim Justice  
Governor

BOARD OF REVIEW  
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October 4, 2017



RE: [REDACTED] v. WV DHHR  
ACTION NO.: 17-BOR-2237

Dear Ms. [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,

Stephen M. Baisden  
State Hearing Officer  
Member, State Board of Review

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

cc: Carla Addair, Economic Service Supervisor

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

██████████,

**Appellant,**

**v.**

**ACTION NO.: 17-BOR-2237**

**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' (WV DHHR) Common Chapters Manual. This fair hearing was convened on October 3, 2017, on an appeal filed August 8, 2017.

The matter before the Hearing Officer arises from the June 28, 2017, decision by the Respondent to discontinue the Appellant's receipt of SSI Medicaid (MSS).

At the hearing, the Respondent appeared by Representative Carla Addair, Economic Service Supervisor. Appearing as a witness for the Respondent was Lynn Curtis, Economic Service Worker. The Appellant appeared *pro se*. Appearing with the Appellant was her husband ██████████

██████████ All participants were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

D-1 Letter from Department to Appellant, dated June 28, 2017

**Appellant's Exhibits:**

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence during 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 recipient of Supplemental Security Income (SSI) from the Social Security Administration (SSA). As such, she received SSI Medicaid (MSS), a Medicaid program specifically for SSI recipients.
- 2) In June 2017, the Department learned that the SSA discontinued the Appellant's receipt of SSI.
- 3) On June 28, 2017, the Department sent to the Appellant a letter (Exhibit D-1), informing her that her MSS Medicaid would close after July 31, 2017.
- 4) The Appellant requested a fair hearing to protest the closure of her MSS Medicaid.

### **APPLICABLE POLICY**

The WV DHHR Income Maintenance Manual (IMM) Chapter 16, §16.6.A reads as follows in part:

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 the SSA's determination of eligibility for SSI as the sole eligibility determination for Medicaid. Consequently, there is no application or eligibility determination process for SSI Medicaid. The Department depends upon the SSA for the information needed to open, evaluate and close continuing eligibility for SSI Medicaid cases. Therefore, SSI Medicaid eligibility ends when SSI ends in most situations.

### **DISCUSSION**

The Department's representative testified that the Department obtained information through its computer data exchange system, a computer network that exchanges information between and among various state and federal agencies, to the effect that the Appellant and her husband no longer received SSI benefits. She stated that since the Appellant no longer receives SSI, she is not eligible for SSI Medicaid.

The Appellant testified that she was a disabled person and had obtained employment as part of a program known as "Ticket to Work." She testified that an SSA worker told her that the income she received from this employment was within the SSA's income limit to continue receiving SSI, but the worker did not give her a dollar amount as to what the limit was. She stated that the worker told her if she received any amount of SSI, she and her husband would continue to receive SSI Medicaid from the WV DHHR. She added that after this, she learned that her and her husband's SSI was discontinued due to her income.

The Appellant and her husband lost their SSI monthly benefits because of the Appellant's earnings. Since the Appellant no longer was an SSI recipient, the Department acted correctly to discontinue her MSS Medicaid.

### **CONCLUSION OF LAW**

Because the Appellant's SSI benefits closed, the Department acted correctly to discontinue her eligibility for MSS Medicaid, pursuant to WV DHHR IMM Chapter 16, §16.6.A.

### **DECISION**

It is the decision of the State Hearing Officer to **uphold** the Department's decision to discontinue the Appellant's eligibility for SSI Medicaid (MSS).

**ENTERED this 4<sup>th</sup> Day of October 2017.**

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**Stephen M. Baisden**  
**State Hearing Officer**