



November 12, 2025

[REDACTED]

RE: [REDACTED] v. DoHS/BFA
ACTION NO.: 25-BOR-3186

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 Human Services. These same laws and regulations are used in all cases to ensure 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
Certified State Hearing Officer
Member, State Board of Review

Encl: Recourse to Hearing Decision
Form IG-BR-29

cc: Michael Tetreault, [REDACTED] County DoHS

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW**

[REDACTED],

Appellant,

v.

Action Number: 25-BOR-3186

**WEST VIRGINIA DEPARTMENT OF HUMAN SERVICES
BUREAU FOR FAMILY ASSISTANCE,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for [REDACTED]. This hearing was held in accordance with the provisions found in Chapter 700 of the Office of Inspector General Common Chapters Manual. This fair hearing was convened on November 12, 2025.

The matter before the Hearing Officer arises from the October 15, 2025, decision by the Respondent to terminate Supplemental Security Income (SSI) Medicaid.

At the hearing, the Respondent appeared by Michael Tetreault, [REDACTED] County DoHS. The Appellant appeared by [REDACTED], his wife. The witnesses were placed under oath, and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Request Notification Form
- D-2 Hearing Request received October 24, 2025
- D-3 Social Security Administration State Data Exchange
- D-4 West Virginia Income Maintenance Manual §23.11.1
- D-5 West Virginia Income Maintenance Manual §10.14.1
- D-6 Case Comments
- D-7 Notice of Termination dated October 15, 2025
- D-8 Department's Summary

Appellant's Exhibits:

- A-1 Board of Review Scheduling Order (except) with Handwritten Notes

- A-2 Paystubs for Appellant
- A-3 Social Security Administration Notice of Planned Action dated August 30, 2025
- A-4 Notice of Termination dated October 15, 2025 (excerpt) with Handwritten Notes

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's wife, [REDACTED], was a recipient of SSI benefits.
- 2) On October 10, 2025, the Respondent received a data exchange alert from the Social Security Administration (SSA) that [REDACTED] would no longer receive SSI benefits as the countable income exceeded the allowable limit (Exhibit D-3).
- 3) The Respondent issued a notice to the Appellant advising that [REDACTED] SSI Medicaid would terminate effective October 31, 2025, as she no longer received SSI (Exhibit D-7).
- 4) [REDACTED] has not received SSI benefits since October 2025.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 1 explains the Medicaid application process:

1.14.1 Application Process (SSI Recipients)

There is no application form for SSI Medicaid. The Worker receives an eligibility system alert when data exchange information indicates that a person is approved for SSI.

1.14.5 Beginning Date of Eligibility

SSI Medicaid eligibility begins with the first month for which an SSI payment is made. This is either the month after the month of application for SSI or the month following the month in which SSI eligibility is established.

1.14.6 Redetermination

There is no redetermination of SSI Medicaid eligibility. SSI Medicaid eligibility continues as long as the client is considered eligible according to SSA. The eligibility system will provide an alert when the client is no longer eligible.

1.14.7.B Ending Date of Eligibility

The ending date of eligibility is the last day of the month of the effective date of closure.

West Virginia Income Maintenance Manual Chapter 10 explains case maintenance procedures:

10.14.1 Assistance Group Closure

The Worker closes the Supplemental Security Insurance (SSI) Medicaid assistance group (AG) after advance notice when:

- The Worker receives a system alert and determines the individual is no longer eligible for SSI Medicaid.
- The Worker receives information from the Bureau for Medical Services (BMS) Buy-in Unit.
- The Worker receives information the client moved to another state.
 - If the Worker receives information the client moved to another state and he has not received an alert, the Worker must notify the Social Security Administration (SSA) of the new address and indicate the Medicaid AG is being closed because the individual moved to another state.
- The Worker obtains information the client receives Medicaid in another state.
- The client reports, prior to Worker's receipt of system alert, he no longer receives an SSI payment because SSA determined he is no longer eligible. This does not include a temporary suspension of SSI payments to recover an overpayment.
- Information from Social Security's State On-line Query (SOLQ) shows the individual's SSI payment was terminated.
- The individual is eligible to enroll in Medicare and fails to do so. When the closure of SSI Medicaid is for a reason other than a move to another state or death, the Worker must evaluate the individual for all other Medicaid coverage groups, including Deemed SSI Medicaid coverage and Medicare Premium Assistance.

10.14.2 Special Procedure: Continued Medicaid

When an individual no longer receives SSI because SSA determines he is no longer disabled, SSI Medicaid must be continued for 60 days from the date of the SSA notification that SSI will be stopped. It is continued after the 60-day period when:

- The individual is not eligible under any other full-coverage Medicaid group without a spenddown; and
- The individual has requested an appeal of the decision in a timely manner, as determined by SSA. The SSI Medicaid continues until a decision is made after the SSA hearing, regardless of whether or not the individual continues to receive an SSI payment. A decision after the hearing occurs when the SSI Medicaid client has no right to further administrative appeal.

West Virginia Income Maintenance Manual Chapter 23 explains specific Medicaid policies:

23.11.1 SSI Recipients

Supplemental Security Income (SSI) is a public assistance program administered by the Social Security Administration (SSA), which provides cash benefits to eligible aged, disabled, or blind individuals. There is no spenddown provision. States have 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. West Virginia is referred to as a "1634 state," based on the

section of the Social Security Act that permits this. 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. SSI Medicaid eligibility ends when SSI ends in most situations. See Section 10.14 for exceptions and closure procedures. The Worker uses information from a data exchange between Department of Human Services (DOHS) and SSA to open the SSI Medicaid benefit.

DISCUSSION

Policy stipulates that eligibility for SSI Medicaid is based on the SSA's determination of eligibility for SSI benefits. SSI Medicaid benefits are closed when an individual no longer receives SSI payments.

The Respondent received a data exchange alert on October 10, 2025, that [REDACTED] SSI benefits had terminated due to the countable income exceeding the allowable limit to receive SSI. The Respondent terminated [REDACTED] SSI Medicaid, effective October 31, 2025, due to her loss of an SSI payment.

[REDACTED] testified that SSA estimates her husband's earned income one month in advance and contended that he did not earn the amount of money as purported by SSA. [REDACTED] provided her husband's paystubs as evidence that they are under the income limit for her to continue receiving SSI benefits. [REDACTED] stated she expected her SSI benefits to be reinstated once the income was reevaluated but has not received notice of when that will be.

Eligibility for SSI Medicaid is based on an individual's receipt of SSI benefits. [REDACTED] last received SSI benefits in October 2025 and there was no evidence provided that her SSI will be reinstated.

Whereas the SSA determined that [REDACTED] was no longer eligible for SSI payments, the Respondent acted in accordance with policy in terminating her SSI Medicaid.

CONCLUSIONS OF LAW

- 1) Eligibility for SSI Medicaid is determined on an individual's eligibility for SSI payments.
- 2) [REDACTED] SSI payments were terminated in October 2025 due to her husband's income exceeding the allowable program limit.
- 3) The Respondent's decision to terminate [REDACTED] SSI Medicaid due to the loss of SSI benefits is affirmed.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to terminate
[REDACTED] SSI Medicaid.

ENTERED this 12th day of November 2025.

Kristi Logan
Certified State Hearing Officer