

STATE OF CONNECTICUT  
DEPARTMENT OF SOCIAL SERVICES  
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS  
55 FARMINGTON AVENUE  
HARTFORD, CT 06105-3725

██████████ 2014  
Signature Confirmation

Client ID # ██████████  
Request #584586

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████ 2014, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") granting her Long Term Care benefits effective ██████████ 2013.

On ██████████ 2014, the Appellant requested an administrative hearing to contest the effective date of the Long Term Care ("LTC") Medicaid benefits as determined by the Department.

On ██████████ ██████████ 2014, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for ██████████ 2014.

On ██████████ 2014, OLCRAH issued a notice rescheduling the administrative hearing for ██████████ 2014.

On ██████████ 2014, OLCRAH, at the Appellant's request, issued a notice rescheduling the administrative hearing for ██████████ 2014.

On ██████████ 2014, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing.

The following individuals were present at the hearing:

██████████, Appellant's Counsel  
 Jaimie LaChapelle, Department's Representative  
 Christopher Turner, Hearing Officer

The Appellant was not present.

### **STATEMENT OF THE ISSUE**

The issue is whether the Department correctly granted the Appellant's Long Term Care Medicaid benefits effective ██████████ 2013.

### **FINDINGS OF FACT**

1. On ██████████ 2012, the Department received an application for LTC Medicaid Assistance for the Appellant submitted by Conservator ██████████ ██████████. (Hearing summary)
2. ██████████ is the Appellant's cousin. (Appellant's Exhibit 8: Hebrew Home intake notes)
3. ██████████ is the Appellant's case manager. (Appellant's Exhibit 8)
4. The Appellant is a resident of The Hebrew Home. Her admission date was ██████████/11. (Hearing summary; Testimony; Appellant's Exhibit 8)
5. The Appellant is not married. (Testimony)
6. On ██████████ 2013, ██████████ was appointed the Appellant's conservator. (Appellant's Exhibit 2: Probate certificate dated ██████████/13)
7. On ██████████ 2013, the Appellant's attorney sent ██████████ a letter requesting a fiduciary accounting of the Appellant's Sovereign Bank account ending in ██████████ (Appellant's Exhibit 3: Letter dated ██████████/13)
8. On ██████████ ██████████ 2013, the Appellant's attorney sent ██████████ ██████████ a spreadsheet listing the checks written against Sovereign Bank account ██████████. The accounting included the period of ██████████/11 through ██████████/13) (Appellant's Exhibit 4: Letter dated ██████████/13)

9. On [REDACTED] 2013, the Department received copies of U.S. Savings Bonds from [REDACTED]. The current value of the bonds is \$23,512.47. (Exhibit F: Department's narrative)
10. On [REDACTED] 2013, the West Hartford Court of Probate granted the Appellant's attorney request to compel [REDACTED] to provide an accounting of her activities for the period of [REDACTED]/11 through [REDACTED]/13. (Appellant's Exhibit 5: Copy of decree dated [REDACTED]/13)
11. On [REDACTED] 2013, a hearing was held concerning [REDACTED] failure to provide an accounting of her activities for the Appellant during the period of [REDACTED]/11 through [REDACTED]/13. (Attorney [REDACTED] Brief)
12. On [REDACTED] 2013, [REDACTED] submitted an amended accounting of her activities. (Appellant's Exhibit 6)
13. On [REDACTED] 2013, a hearing was held at the West Hartford Probate Court. (Attorney [REDACTED] Brief)
14. On [REDACTED], 2013, the West Hartford Probate Court issued a decree ordering [REDACTED] to reimburse the Appellant a total of \$21,667.84. (Appellant's Exhibit 7: Court decree dated [REDACTED]/13)
15. The Asset limit is \$1,600.00 for Long Term Care ("LTC") Medical Assistance. (Hearing record)
16. The Appellant's assets for the months of [REDACTED] 2012 through [REDACTED] 2013 were the following:

Month	Sovereign Acct # [REDACTED]	Hebrew Home Account
[REDACTED] 2012	\$26,236.05	\$ 2.25
[REDACTED] 2012	\$9,166.80	\$102.25
[REDACTED] 2012	\$1,855.67	\$ 76.25
[REDACTED] 2012	\$1,991.51	\$ 76.25
[REDACTED] 2012	\$1,649.03	\$ 63.25
[REDACTED] 2012	\$1,619.03	\$ 50.25
[REDACTED] 2012	\$2,521.17	\$ 11.25
[REDACTED] 2013	\$1,226.83	\$ 00.00

(Exhibit A: Monthly Asset Worksheet)

17. In [REDACTED] 2013, the Appellant's assets were below \$1,600.00. (Exhibit A: Asset worksheet)
18. On [REDACTED] [REDACTED] 2014, the Department decided to disregard the Appellant's U.S. Savings Bonds in its determination of eligibility. A transfer of asset penalty was not imposed. (Exhibit F)

19. On [REDACTED] 2014, the Department granted the Appellant's LTC application effective [REDACTED] 2013. The Department granted a six-month diversion for the months of [REDACTED] 2012 through [REDACTED] 2012. (Exhibit F; Exhibit H: Notice dated [REDACTED]/14; Hearing summary)
20. The Appellant's attorney is seeking eligibility from the application date of [REDACTED] 2012 through [REDACTED] 2012 based on the claim that the Appellant was a victim of elder abuse. (Counsel's Brief; Testimony).
21. There was no state policy or state regulation cited by the Appellant's attorney to support his position. (Hearing record)

### **CONCLUSIONS OF LAW**

1. Section 17b-260 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the Medicaid program.
2. Uniform Policy Manual ("UPM") § 4005.05 (B) (1) provides that the Department counts the assistance unit's equity in an asset toward the asset limit if the asset is not excluded by state or federal law and is either: available to the unit; or deemed available to the assistance unit.
3. UPM § 4005.05 (B) (2) provides that under all programs except Food Stamps, the Department considers an asset available when actually available to the individual or when the individual has the legal right, authority or power to obtain the asset, or to have it applied for, his or her general or medical support.
4. UPM § 4005.05 (D) provides that an assistance unit is not eligible for benefits under a particular program if the unit's equity in counted assets exceeds the asset limit for the particular program.
5. UPM § 4005.10 (A) (2) (a) provides that the asset limit for Medicaid for a needs group of one is \$1,600.
6. UPM § 4005.15 provides that in the Medicaid program at the time of application, the assistance unit is ineligible until the first day of the month in which it reduces its equity in counted assets to within the asset limit.
7. The Appellant is below the \$1,600.00 asset limit for the month of [REDACTED] 2013.
8. The Department correctly granted the Appellant's LTC application effective [REDACTED] 2013.

### DISCUSSION

The Appellant's Attorney requested that the Department grant the Appellant's LTC application beginning in [REDACTED] 2012 because the Appellant was a victim of elder abuse. Though that may be true, there is no state policy to provide relief for the Appellant. The fact remains that the Appellant was over assets through [REDACTED] 2013. The Department even forgave \$23,512.47, the value of the savings bonds, without imposing a transfer of asset penalty. The Department's representative provided a clear and concise worksheet detailing the Appellant's monthly asset balance showing [REDACTED] 2013 as the first month of eligibility. I find no error in the Department's decision to grant the Appellant's LTC application effective [REDACTED], 2013.

### DECISION

The Appellant's appeal is **Denied**

*Christopher Turner*  
Christopher Turner  
Hearing Officer

Cc: Albert Williams, Operations Manager Hartford  
Hebrew Health Care  
[REDACTED]

### **RIGHT TO REQUEST RECONSIDERATION**

The appellant has the right to file a written reconsideration request within **15** days of the mailing date of the decision on the grounds there was an error of fact or law, new evidence has been discovered or other good cause exists. If the request for reconsideration is granted, the appellant will be notified within 25 days of the request date. No response within **25** days means that the request for reconsideration has been denied. The right to request a reconsideration is based on §4-181a(a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, what new evidence, or what other good cause exists.

Reconsideration requests should be sent to: Department of Social Services, Director, Office of Legal Counsel, Regulations, and Administrative Hearings, 55 Farmington Avenue, Hartford, CT 06105.

### **RIGHT TO APPEAL**

The appellant has the right to appeal this decision to Superior Court within 45 days of the mailing of this decision, or 45 days after the agency denies a petition for reconsideration of this decision, provided that the petition for reconsideration was filed timely with the Department. The right to appeal is based on §4-183 of the Connecticut General Statutes. To appeal, a petition must be filed at Superior Court. A copy of the petition must be served upon the Office of the Attorney General, 55 Elm Street, Hartford, CT 06106 or the Commissioner of the Department of Social Services, 55 Farmington Avenue, Hartford, CT 06105. A copy of the petition must also be served on all parties to the hearing.

The **45**-day appeal period may be extended in certain instances if there is good cause. The extension request must be filed with the Commissioner of the Department of Social Services in writing no later than **90** days from the mailing of the decision. Good cause circumstances are evaluated by the Commissioner or his designee in accordance with §17b-61 of the Connecticut General Statutes. The Agency's decision to grant an extension is final and is not subject to review or appeal.

The appeal should be filed with the clerk of the Superior Court in the Judicial District of New Britain or the Judicial District in which the appellant resides.