

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 #639462

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2014, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") denying her application for Long Term Care Medicaid benefits from ██████████ 2014 through ██████████ 2014 and granting her Long Term Care benefits effective ██████████ 2014.

On ██████████ 2014, the Appellant requested an administrative hearing to contest the effective date of the Long Term Care 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, 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 Representative, Conservator of Person  
Liza Morais, Department's Representative  
Miklos Mencseli, Hearing Officer

The Appellant was not present.

The hearing officer held the record open for the submission of additional evidence. On [REDACTED] 2014, the hearing officer closed the record.

### **STATEMENT OF THE ISSUE**

The issue is the effective date of Long Term Care Medicaid benefits.

### **FINDINGS OF FACT**

1. The Appellant is a resident of Bel-Air Manor, she entered the facility on [REDACTED] 2013. (Exhibit A: W-1LTC application)
2. On [REDACTED] 2013, [REDACTED] was appointed by the Court of Probate as Conservator of Person. (Exhibit B: Court of Probate document dated [REDACTED]-13)
3. The Appellant is [REDACTED] years old. (Exhibit A)
4. The Appellant has no immediate family as she never married and has no children. (Exhibit A, Testimony)
5. The Appellant suffers from dementia and was unable to help in the application process for Medicaid benefits. (Testimony)
6. On [REDACTED] 2014, the Appellant applied for Medicaid for long term care assistance. The application was submitted by the Appellant's Conservator. (Summary, Exhibit A)
7. The Appellant reported her assets on Section I of the application. The Appellant had a Bank of America("BOA") checking account and stocks /bonds. The Appellant's Conservator noted he is the process of gather information. (Exhibit A)
8. On [REDACTED] 2014, the Department sent the Conservator a W-1348 Verification We Need form and a W-1348LTC Addendum verification form requesting information needed to process the Appellant's application. The information was due by [REDACTED] 2014.. (Summary, Exhibit B: Department's W-1348 and W-1348LTCdated [REDACTED]-14)
9. On [REDACTED] 2014, the Department received verifications for the Appellant. (Summary)
10. The Conservator determined the Appellant has General Electric stock shares and is unable to locate the original stock certificates.

11. The Appellant was unable to assist the Conservator in locating the stock certificates. (Testimony)
12. On [REDACTED], 2014, the Conservator contacted Computershare requesting replacement certificates (Exhibit D: form dated [REDACTED]-14 requesting replacement certificates, Testimony)
13. The Appellant owns 96 shares of General Electric stock. (Summary, Testimony, Exhibit D)
14. On [REDACTED] 2014, the Department reviewed the verifications. The Appellant's BOA account ending in [REDACTED] has a deposit from General Electric dividend payments. (Exhibit N: BOA statement for the period of [REDACTED]-13- to [REDACTED]-13)
15. The Department sent the Conservator a new W-1348 requesting additional information in order to determine eligibility. (Summary)
16. On [REDACTED] 2014, the Conservator submitted the form for replacement certificates. (Exhibit D)
17. On [REDACTED] 2014, the Conservator received a letter from Computershare indicating the request was incomplete or did not comply with their legal requirements. (Exhibit E: letter dated [REDACTED]-14 from Computershare)
18. On [REDACTED], 2014, the Conservator responded to Computershare stating they sent the incorrect forms as the Appellant is not deceased. The Conservator requested the forms be sent necessary to cash out the Appellant's General Electric stock. (Exhibit F: letter dated [REDACTED]-14)
19. On [REDACTED] 2014, the Conservator received a letter from Computershare. They requested the Conservator provide an updated letter of appointment before they initiate the replacement process for the lost certificates for the shares to be sold. (Exhibit G: letter dated [REDACTED]-14 from Computershare)
20. On [REDACTED] 2014, the Conservator sent Computershare a letter instructing them to sell all of the Appellant's General Electric stock. (Exhibit H: Letter dated [REDACTED]-14)
21. On [REDACTED] 2014, Computershare sent the Appellant the same letter it had sent on [REDACTED] 2014. The letter indicated the request was incomplete or did not comply with their legal requirements. (Exhibit I: letter dated [REDACTED]-14 from Computershare)

22. On [REDACTED] 2014, the Conservator sent the Department a letter regarding the status of the stocks. The Conservator is in the process of obtaining a new probate certificate and submitting it to Computershare. Computershare determined the previous certificate was not acceptable as it is more than 60 days old. (Exhibit J: letter dated [REDACTED]-14 to Computershare)
23. On [REDACTED] 2014, the Conservator sent the Department a letter stating Computershare is requesting more information. (Exhibit K: letter dated [REDACTED]-14)
24. On [REDACTED] 2014, the replacement General Electric certificates were issued and the stocks were sold. A check for \$2,593.92 was issued to the Appellant. (Exhibit L: Computershare printout dated [REDACTED]-14, Exhibit M: replacement stock certificate)
25. The check for \$2,593.92 was signed over to the Conservator for fees. The Department determined the Appellant was now asset eligible with the disbursement of the stock shares. (Exhibit O: Department's monthly asset worksheet, Exhibit S: Department's case narrative screen printout)
26. On [REDACTED], 2014, the Department granted the Appellant Medicaid for long term care assistance effective for [REDACTED] 2014. (Summary, Exhibit S)
27. The Appellant's Conservator is seeking an [REDACTED] 2014 date of eligibility as he was unable to receive the funds for the General Electric stock until [REDACTED] 2014 and spend the funds. (Testimony)

### **CONCLUSIONS OF LAW**

1. Section 17b-2 of the Connecticut General Statutes, authorizes the Department of Social Services to administer the Medicaid program pursuant to Title XIX of the Social Security Act.
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 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 § 4015.05 pertains to inaccessible assets and states in part: Subject to the conditions described in this section, equity in an asset which is inaccessible to the assistance unit is not counted as long as the asset remains inaccessible. The burden is on the assistance unit to demonstrate that an asset is inaccessible.
5. The Appellant's Conservator did not demonstrated that the General Electric Stock shares were inaccessible to the Appellant.
6. UPM § 4099.15 (A) (1) pertains to factors relating to inaccessibility and states: the assistance unit must verify that an otherwise counted asset is inaccessible to the unit if the unit claims it cannot convert the asset to cash. (2) If the unit is unable to verify that the asset is inaccessible, the asset is considered a counted asset.
7. The Appellant's Conservator converted the asset to cash when Computershare completed the process and was satisfied it had the proper documentation.
8. UPM § 4099.15 (B) (1) pertains to factors once the asset becomes available and states: once an inaccessible asset becomes available to the unit, the unit must verify the amount of equity the unit has in the asset.
9. Once the assets were converted to cash and spent down, the Appellant's Conservator provided verification to the Department.
10. The Department correctly determined the General Electric shares were an accessible asset to the Appellant.
11. UPM § 4005.10 provides that the Medicaid asset limit for a needs group of one is \$1,600.00 per month.
12. 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.
13. UPM § 1560.10 (A) provides for begin dates of Medicaid Assistance. The beginning date of assistance for Medicaid may be one of the following: the first day of the first, second or third month immediately preceding the month in which the Department receives a signed application when all non-procedural eligibility requirements are met and covered medical services are received at any time during that particular month.

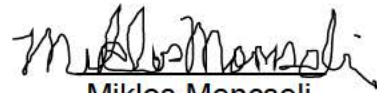
### DISCUSSION

The Appellant's Conservator made an effort to liquidate the General Electric stock. The Conservator provided the documentation of the process. The Appellant never lost her legal right, authority or power to obtain the asset.

The Appellant's Conservator through no fault of his own, it took time to receive the funds for the General Electric stock from Computershare. However, the Appellant did receive dividend payments from the stocks in [REDACTED] 2013. The funds were available to the Appellant and are a counted asset. The Department cannot grant eligibility until the first day of the month in which the applicant reduces its equity in counted assets to within the asset limit. The Department correctly determined the Appellant is eligible effective for [REDACTED] 2014.

### DECISION

The Appellant's appeal **is denied**.



Miklos Mencseli  
Hearing Officer

C: Musa Mohamud, Operations Manager, DSS R.O. #10 Hartford

### **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 Administrative Hearings and Appeals, 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 the Commissioner's 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.