

FINAL DECISION

Sent via email [REDACTED], Certified-Mail [REDACTED], and First-Class
U.S. Mail

January 10, 2025

[REDACTED] and [REDACTED]
[REDACTED]
[REDACTED]

RE: Final Decision

Dear [REDACTED] and [REDACTED]

On October 28, 2024 the proposed decision of the hearing officer regarding the eligibility of [REDACTED] to receive services of the Department of Developmental Services was sent to you and all parties. Parties had ten (10) business days from receipt of the proposed decision to submit comments in support or opposition. Comments were submitted on behalf of the petitioner. No comments were submitted on behalf of the DDS.

After reviewing the proposed decision, the record, including exhibits submitted at the hearing, and your comments, I agree with the hearing officer, adopt the Proposed Decision as the Final Decision, and find that [REDACTED] is ineligible for services of the Department of Developmental Services pursuant to Connecticut General Statute section 1-1g.

If you do not agree with this decision, you have the right, in accordance with Section 4-183 of the Connecticut General Statutes, to appeal to the Superior Court. Such an appeal must be submitted within forty-five (45) days of the mailing of this final decision.

Sincerely yours,

Jordan A. Scheff
Commissioner

Enclosures

cc: Attorney Tony Karajanis,, Hearing Officer
Kathleen Murphy, Ph.D., Director, Eligibility Unit
Margret Rudin, Ph.D., Psychologist Eligibility Unit
Marjorie O. Wakeman, Director, Legal & Government Affairs

STATE OF CONNECTICUT
DEPARTMENT OF DEVELOPMENTAL SERVICES
PROPOSED MEMORANDUM OF DECISION

ELIGIBILITY HEARING

IN RE: [REDACTED]

October 28, 2024

Introduction

On October 28, 2024 at 10:00 a.m., a hearing was held at the Department of Developmental Services, 460 Capitol Avenue in Hartford, Connecticut, and remotely, via Microsoft Teams, to determine the eligibility of [REDACTED] for services from the Department of Developmental Services (DDS) pursuant to Connecticut General Statutes §1-1g. The Request for Hearing was filed by the Applicant, [REDACTED] with the consent of the Applicant's father and sister, [REDACTED] and [REDACTED], respectively, on June 06, 2024.

Names of Attendees

[REDACTED]
Margaret Rudin, PhD

Applicant
Applicant's Father
Applicant's Sister
DDS Psychologist Eligibility Unit

Statement of Issue

Is [REDACTED] eligible for services from the Department of Developmental Services?

Exhibits Entered Into Evidence

The following documents were presented by the parties and admitted into evidence as full exhibits by the undersigned hearing officer:

HO-1	DDS Denial Letter	05/28/2024
HO-2	Request for Hearing	06/06/2024
HO-3	DDS Notice of Hearing	08/22/2024
DDS-1	DDS Application	02/22/2024
DDS-2	DDS Denial Letter	05/28/2024
DDS-3	DDS Second Review	05/28/2024
DDS-4	Autism Summary	05/28/2024
DDS-5	Autism Eligibility	05/28/2024
DDS-6	Psychological Report	03/25/2002
DDS-7	Psychological Evaluation	05/21/2002
DDS-8	Psychological Evaluation	03/17/2008
DDS-9	Neuropsychological Evaluation	02/25/2009
DDS-10	Neuropsychological Evaluation	09/04/2021
DDS-11	IEP	02/19/2013
DDS-12	IEP	02-19-2014

Findings of Fact

The exhibits entered into evidence, along with sworn testimony at the hearing, result in the following findings:

1. [REDACTED] is a resident of the State of Connecticut as he resides in the Town/City [REDACTED] CT.
2. At the time of the hearing, [REDACTED] born [REDACTED], was [REDACTED] years old (a few days shy of his [REDACTED] birthday).
3. The evaluations, test results and documents examined by Margaret Rudin, PhD, did not find the Applicant to be intellectually disabled within the Applicant's developmental period, as defined by Connecticut General Statutes §1-1g. The evaluations and testing performed on the Applicant did not demonstrate significant limitations in intellectual functioning or significant deficits in adaptive behaviors existing during the developmental period meeting the statutory criteria of Connecticut General Statutes §1-1g. (Testimony K.Rudin; DDS Exhs. 6-12)
4. The Applicant has, however, been found eligible for the Autism Spectrum Services Program. (Testimony K.Rudin; DDS Exhs. 4-5)

Definition of Intellectual Disability

According to Connecticut General Statutes §1-1g, in order to be eligible for supports or services from the Department of Developmental Services for an intellectual disability, an individual must demonstrate a significant limitation in intellectual functioning and deficits in adaptive behavior that originated during the developmental period before eighteen years of age. (Emphasis added).

Discussion

Although [REDACTED] may require assistance, guidance and support, there is no basis in the record to establish that he is intellectually disabled, pursuant to CT State Statutes. Unfortunately, the record does not demonstrate that [REDACTED] deficits in intellectual functioning or adaptive behaviors were significant enough to fall within the intellectually disabled range during said developmental period. As such, the statutory requirements of Connecticut General Statutes §1-1g have not been satisfied in the present case.

Conclusion

[REDACTED] is not eligible for services from the Department of Developmental Services, based on an intellectual disability, as he does not meet the criteria for services as defined in *Conn. Gen. Stat.* §1-1g. The Applicant, however, may be eligible for services/benefits through other Federal and State agencies and programs.

This decision shall be submitted to all parties and the Commissioner. The parties may submit written comments in support or opposition of this proposed decision within ten days of receipt hereof.

Respectfully submitted,



Hearing Officer
Tony Karajanis