

FINAL DECISION

Sent via email [REDACTED] Certified Mail [REDACTED]

July 10, 2025



RE: Final Decision

Dear [REDACTED]

On June 20, 2025, 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 not submitted by the petitioner. No comments were submitted on behalf of DDS.

After reviewing the proposed decision, the record, including exhibits submitted at the hearing, 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.

Jordan A. Scheff
Commissioner

Enclosures

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

STATE OF CONNECTICUT
DEPARTMENT OF DEVELOPMENTAL SERVICES
PROPOSED MEMORANDUM OF DECISION

ELIGIBILITY HEARING

IN RE: [REDACTED]

June 18, 2025

Introduction:

A remote hearing via Microsoft Teams was held on June 18, 2025 to determine the eligibility of the Petitioner, [REDACTED], for services from the Department of Developmental Services (DDS) pursuant to Connecticut General Statutes, Section 1-1g.

The following individuals were present at the hearing held on June 18, 2025:

[REDACTED]	Mother of [REDACTED]
[REDACTED]	Petitioner
[REDACTED]	Social Worker for the Office of the Public Defender
Dr. Margaret Rudin	DDS Psychologist

The following exhibits were entered into evidence:

Hearing Officer 1	DDS Denial Letter 1/29/2025
Hearing Officer 2	Request for Appeal Hearing 2/13/2025
Hearing Officer 3	Notice of Hearing 2/24/2025

DDS 1	DDS Application 10/9/2024
DDS 2	DDS Denial Letter 1/29/2025, Dr. Murphy
DDS 3	DDS Second Review 1/29/2025, Dr. Rudin
DDS 4	Records from [REDACTED]

Statement of the Issue:

Is [REDACTED] eligible for DDS services pursuant to Connecticut General Statutes, Section 1-1g?

Findings of Fact:

1. [REDACTED] resides at [REDACTED].
2. [REDACTED] date of birth is [REDACTED]
3. [REDACTED] is the mother of [REDACTED].

4. [REDACTED] is a social worker for the Office of the Public Defender and assisted [REDACTED] with the application submitted to the Department of Developmental Services.
5. No test results or scores were submitted to establish that [REDACTED] is a person with an intellectual disability.
6. [REDACTED] indicated during the hearing that they were pursuing a hearing for a finding of autism not intellectual disability.
7. The Eligibility Application states that an intellectual disability has not been determined by an evaluation.
8. The Eligibility Application further states that an autism spectrum disorder has been determined by an evaluation in Jamaica but that the records no longer exist.

Definitions:

Pursuant to section 1-1g of the Connecticut General Statutes, in order to be eligible for supports or services from the Department of Developmental Services due to an intellectual disability, an individual must demonstrate a significant limitation in intellectual functioning and deficits in adaptive behavior that originated during the developmental period, i.e., before the age of 18. Section 1-1g provides:

- (a) Except as otherwise provided by statute, 'intellectual disability' means a significant limitation in intellectual functioning existing concurrently with deficits in adaptive behavior that originated during the developmental period before eighteen years of age.
- (b) As used in subsection (a) of this section, 'significant limitation in intellectual functioning' means an intelligence quotient more than two standard deviations below the mean as measured by tests of general intellectual functioning that are individualized, standardized and clinically and culturally appropriate to the individual; and 'adaptive behavior' means the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected for the individual's age and cultural group as measured by tests that are individualized, standardized and clinically and culturally appropriate to the individual.

An intelligence quotient of more than two standard deviations below the mean equates to an IQ score of 69 or lower. Christopher R. v. Commissioner, 277 Conn. 594 (2006).

The petitioner has the burden to prove that he meets the eligibility criteria for DDS services. Id.

Discussion:

In order to meet the qualifications for intellectual disability under CGS 1-1g and receive services from DDS, [REDACTED] must prove by a preponderance of the evidence that he experiences concurrent significant limitations in intellectual functioning and adaptive behavior that originated, that is, first occurred, during the developmental period. Such limitations must be measured by tests that are individualized, standardized and clinically and culturally appropriate.

No test results or scores were submitted regarding [REDACTED] intellectual functioning. In fact, the petitioner believed that he was pursuing a hearing to establish that he has been diagnosed with autism not an intellectual disability. Accordingly, there were no records submitted from [REDACTED] developmental period to establish the existence of an intellectual disability prior to the age of 18, as defined by CGS 1-1g.

The preponderance of the evidence does not demonstrate that [REDACTED] meets the standard of intellectual disability, as that term is defined by CGS 1-1g, and thus does not meet the eligibility criteria for DDS services.

Conclusion:

[REDACTED] is not eligible for DDS services as an individual with intellectual disability.



Francis J. Forgione
Hearing Officer

