

FINAL DECISION

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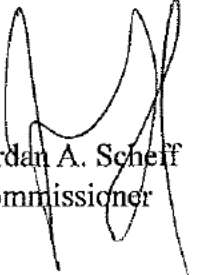
RE: Final Decision

Dear [REDACTED]

On May 19, 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 Wendy Mongillo, 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]

May 9, 2025

INTRODUCTION:

On May 5, 2025 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 Section 1-1g. The request for hearing was filed on November 26, 2024 by [REDACTED] who is the parent and legal guardian of the Applicant.

Name of Attendees:

[REDACTED]

Applicant

[REDACTED]

Applicant's Mother

[REDACTED]

Applicant's Sister

[REDACTED]

Applicant's Friend/ Neighbor

Margaret Rudin, PhD

DDS Psychologist Eligibility Unit

Statement of Issues

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	Denial of Eligibility Dated 11/25/2024
HO-2	Request for Hearing Dated 11/26/2024
HO-3	Notice of Hearing Dated 12/11/2024
DDS-1	DDS Eligibility Application 9/19/2024
DDS-2	DDS Denial Dated 11/25/2024
DDS-3	Second Review by Dr. Margaret Rudin, Ph.D. Dated 11/25/2024
DDS-4	Medical Evaluation Dated 7/1/2024
P-1	Test Dated 1/2003
P-2	Psychological Evaluation Dated 11/20/2009
P-3	Medical Report Dated 03/09/2025
P-4	Psycho—Educational Report Dated 01/23/2003
P-5	Individualized Education Program Dated 02/12/2004—2/12/2005

Finding of Facts:

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 she resides in the Town of [REDACTED] Connecticut
2. At the time of the hearing, [REDACTED], born [REDACTED] was [REDACTED] years old.
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 Section 1-1g. The evaluations and testing performed on the Applicant did not demonstrate significant limitations in intellectual functioning or that significant deficits in adaptive behaviors existed during

- the developmental period thus not meeting the statutory criteria of Connecticut General Statutes Section 1-1g. (Testimony K Rudin, DDS Exhibit 4, Petitioner Exhibits 1-5)
4. DDS Exhibit 3 Second Review By Margaret Rudin Ph.D. date 11/25/2025 indicates that a review of the information received has no documentation during the Applicant's developmental period. (Testimony K. Rudin; DDS Exhibit 3)
 5. DDS Exhibit 4 Medical Evaluation Dated 7/1/2024; Said report shows documentation of the Applicant's medication management and a significant mental health history but there is no diagnostic information in the report. (Testimony K. Rudin; DDS Exhibit 6)
 6. Petitioner Exhibit 1 Psychological Report by School Dated 1/23/2003; Said report was generated when the application was [REDACTED] months which was during the developmental period. It reports that the Applicant receives speech and occupational therapy. "The Applicant was tested using the Wilcox-Johnson method however this form of testing shows how the Applicant relates to peers and is not a diagnostic test of cognitive ability". (Testimony K. Rudin; Petitioner Exhibit 1)
 7. Petitioner Exhibit 2 Psychological Evaluation Dated 11/20/2009 states a diagnosis of developmental delay "however, the report does not show a testing on which to verify the diagnosis or a definition of how the diagnosis is defined in New York which is where the report was generated. Definitions of developmental delay in other States do not cross over as one State's criteria is not necessarily the same as another. There was testing that shows a low adaptive score however this scoring was done when the Applicant was [REDACTED] years old". (Testimony K. Rudin; Petitioner Exhibit 2)
 8. Petitioner Exhibit 3 Medical Report Dated 03/09/25, said report shows a significant mental health history for the Applicant. (Testimony K. Rudin; Petitioner Exhibit 3)
 9. Petitioner Exhibit 5, Individualized Education Program Dated 02/12/2004 – 02/12/2005; "Said report refers to the Wilcox – Johnson test which shows some unevenness in the Applicant's abilities however it appears that the Applicant's Psychiatric issues are fairly significant and usually have the higher priority." (Testimony K. Rudin; Petitioner Exhibit 5.)

Definition of Intellectual Disability:

According to Connecticut General Statutes Section 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 significant limitations in intellectual functioning and deficits in adaptive behavior that originated **during** the developmental period before eighteen years of age (emphasis added).

Discussion:

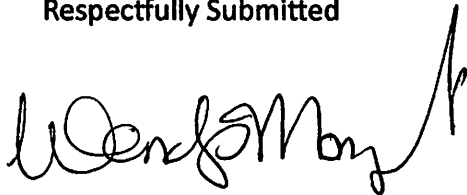
While the Applicant may require assistance, guidance and support there is not enough testing or information supplied to DDS to establish that she was intellectually disabled pursuant to Connecticut State Statutes during the developmental period before eighteen years of age. Unfortunately, the record does not demonstrate that the Applicant's deficits in intellectual functioning or adaptive behaviors fell within the intellectually disabled range during said developmental period. As such the statutory requirements of the Connecticut General Statute Section 1-1g have not been satisfied in the present case.

Conclusion:

The Applicant is not eligible for services from the Department of Developmental Services based on intellectual disabilities, as she does not meet the criteria for services as defined in Connecticut General Statute Section 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 to this proposed decision within ten days of receipt hereof.

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'Wendy Mongillo', with a long, sweeping flourish extending upwards and to the right.

Hearing Officer

Wendy Mongillo