

FINAL DECISION

Sent via email [REDACTED] Certified Mail [REDACTED]

September 4, 2025

[REDACTED]

RE: Final Decision

Dear [REDACTED]

On **July 23rd**, 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.



Elisa F. Velardo
Deputy Commissioner
Designee of Jordan A. Scheff
Commissioner

Enclosures

cc: Frank Forgione, Esq., 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]

July 23, 2025

Introduction:

A remote hearing via Microsoft Teams was held on July 16, 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 Manuel Cosme
[REDACTED]	Petitioner
[REDACTED]	Social Worker for [REDACTED]
Dr. Kathleen Murphy	Director of Eligibility for the Department of Developmental Services

The following exhibits were entered into evidence:

Hearing Officer 1	DDS Denial Letter 7/25/22
Hearing Officer 2	Denial Letter 7/25/2022 with Addendum 9/3/2024
Hearing Officer 3	Request for Appeal Hearing 1/17/2025
Hearing Officer 4	Notice of Hearing 2/28/2025
DDS 1	DDS Application 1/31/2023
DDS 2	DDS Denial Letter 7/25/2022, Dr. Murphy
DDS 3	DDS Second Review 7/24/2022, Dr. H. Steven Zuckerman
DDS 4	Denial Letter 7/25/2022 with Addendum 9/3/2024
DDS 5	DDS Second Review 7/24/2022, Dr. H. Steven Zuckerman & Additional Review 8/30/2024, Dr. Margaret Rudin
DDS 6	Psycho-educational Re-Evaluation, [REDACTED] 10/2/2019
DDS 7	Health Assessment Record 4/29/2022
DDS 8	Psychological Evaluation, [REDACTED] School Psychologist, 9/27/2022
DDS 9	Psychological Assessment, [REDACTED] 7/10/2024
DDS 10	IEP dated 6/7/2021
DDS 11	IEP dated 6/1/2022

DDS 12
DDS 13
DDS 14
DDS 15

IEP dated 5/25/2019
IEP dated 6/7/2021 (same as DDS 10)
IEP dated 6/1/2022 (same as DDS 11)
Speech and Language Evaluation Report 9/2019

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Letter from [REDACTED] 6/27/2025

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] CT [REDACTED]
2. [REDACTED] date of birth is [REDACTED]
3. [REDACTED] is the mother of [REDACTED]
4. [REDACTED] is a social worker for [REDACTED]
5. Dr. Kathleen Murphy is the Director of Eligibility for the Department of Developmental Services.
6. [REDACTED] has been diagnosed with selective mutism, adjustment disorder and ADHD according to [REDACTED] (See DDS 6).
7. In July 2015, on the Kaufman Brief Intelligence Test-Second Edition, [REDACTED] [REDACTED] achieved a composite score of 82, which is equivalent to a full-scale IQ of 82.
8. [REDACTED] underwent a Psychological Evaluation on September 27, 2022. He attained a score of 85 on the Comprehensive Test of Nonverbal Intelligence - 2nd Edition (CTONI-2), which is equivalent to a full scale IQ of 85.
9. On July 10, 2024, a Psychological Assessment was performed and [REDACTED] attained a full-scale IQ score of 71 on the Wechsler Adult Intelligence Scale-IV. [REDACTED] adaptive behavior composite score on the Vineland-3 was 58.

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.

The full-scale IQ test scores submitted by [REDACTED] were 71, 82 and 85, all of which are above the IQ threshold of 69. Although [REDACTED] adaptive behavior score in 2024 was 58, in order to establish the existence of an intellectual disability, a deficit in adaptive behavior must exist **concurrently** with a significant limitation in intellectual functioning that originated before the age of 18. Since [REDACTED] full-scale IQ scores exceeded 69, 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