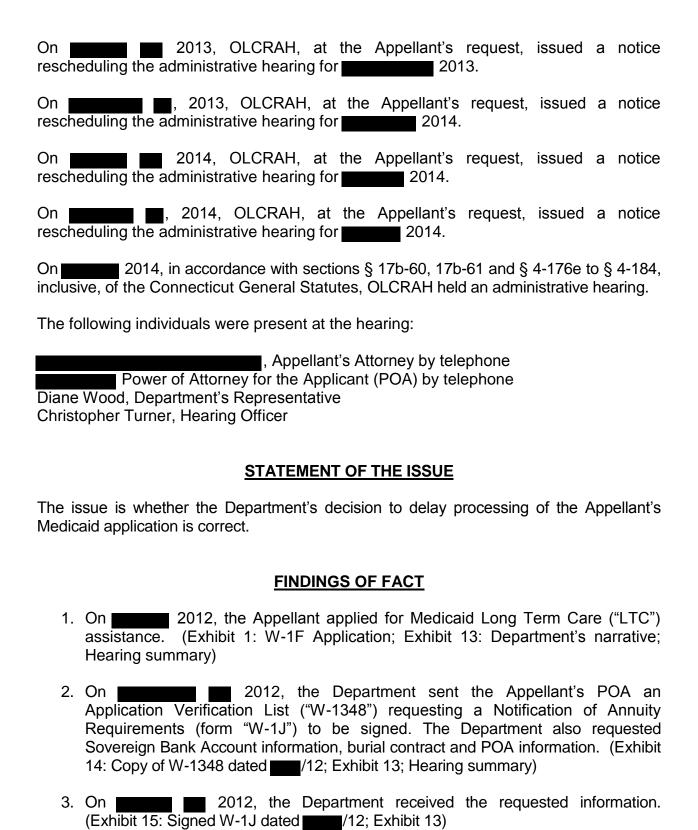
# STATE OF CONNECTICUT DEPARTMENT OF SOCIAL SERVICES OFFICE OF LEGAL COUNSEL REGULATIONS AND ADMINISTRATIVE HEARINGS 25 SIGOURNEY STREET HARTFORD, CT 06106-5033

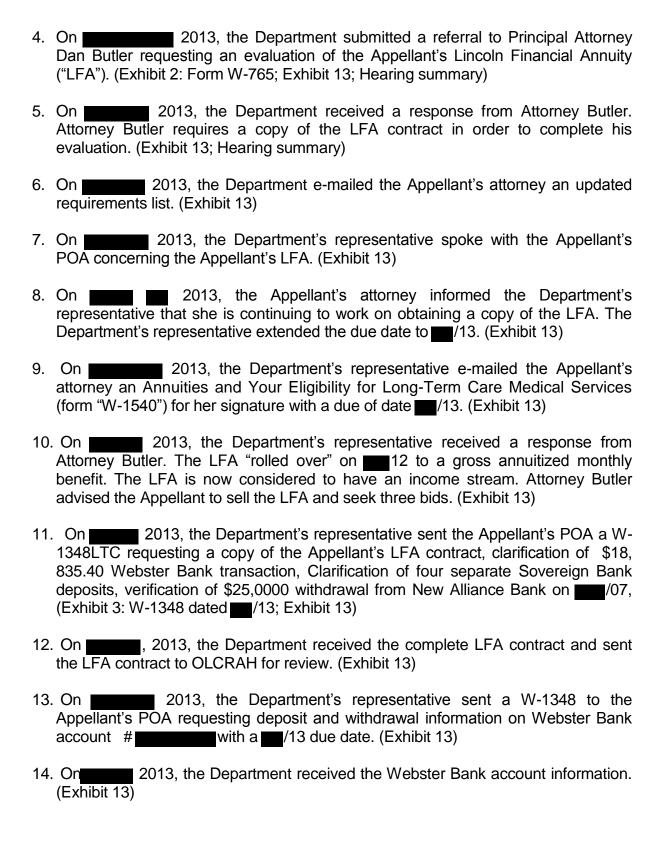
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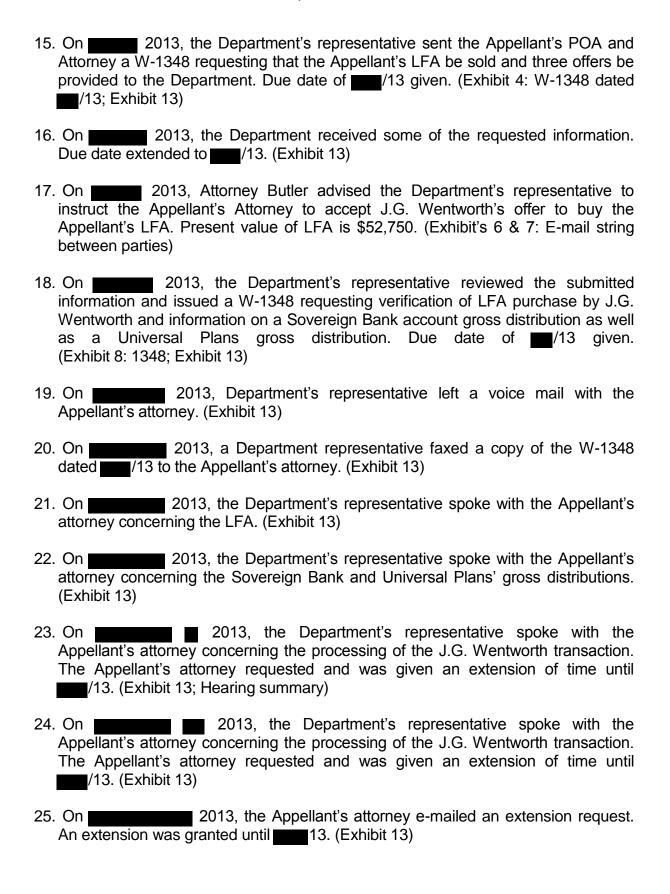
NOTICE OF DECISION
PARTY

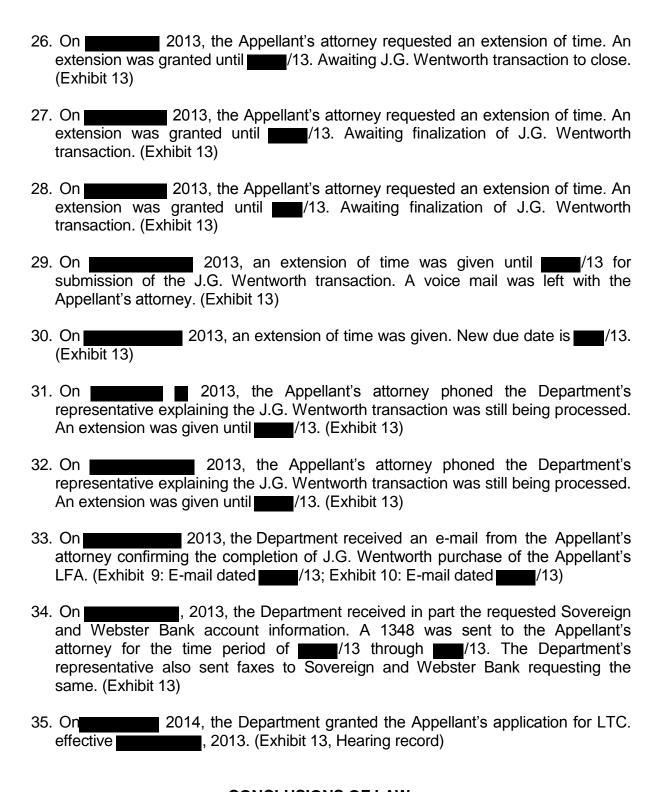
# PROCEDURAL BACKGROUND

letter from Burgeon Legal Group requesting an appeal of the Department's delay in processing (the "Appellant") application for Long Term Care assistance ("LTC") filed on 2012.
On 2013, the Office of Legal Counsel Regulations and Administrative Hearings ("OLCRAH") issued a notice scheduling an administrative hearing for 2013.
On, 2013, OLCRAH, at the Appellant's request, issued a notice rescheduling the administrative hearing for 2013.
On 2013, OLCRAH, at the Appellant's request, issued a notice rescheduling the administrative hearing for 2013.
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# **CONCLUSIONS OF LAW**

1. Section 17b-260 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the Medicaid program.

- 2. Uniform Policy Manual § 1010.05 (A) (1) provides that the assistance unit must supply the Department, in an accurate and timely manner as defined by the Department, all pertinent information and verification which the Department requires to determine eligibility and calculate the amount of benefits (cross reference: 1555).
- UPM § 1505.35 (C) (1) provides that the following promptness standards are established as maximum time periods for processing applications: forty-five calendar days for; AFDC applicants and AABD or MA applicants applying on the basis of age or blindness.
- 4. UPM 1505.35 (D) (2) provides that the Department determines eligibility within the standard of promptness for the AFDC, AABD, and MA programs except when the verification needed to establish eligibility is delayed and one of the following is true: the client has good cause for not submitting the verification by the deadline; or the client has been granted a 10 day extension to submit verification which has not elapsed; or the Department assumed responsibility for obtaining verification and has had less than 10 days; or the Department has assumed responsibility for obtaining verification and is waiting for material from a third party.
- 5. UPM § 1505.35 (B) provides that the Department notifies applicants of any actions taken on applications and when applications are not acted upon within the established time limits.
- The Department correctly notified the authorized representative of a delay in processing the application because it did not have enough information to determine eligibility.
- 7. UPM § 1540.10 (A) provides that the verification of information pertinent to an eligibility determination or a calculation of benefits is provided by the assistance unit or obtained through the direct efforts of the Department. The assistance unit bears the primary responsibility for providing evidence to corroborate its declarations.
- 8. UPM 1505.40 (B) (4) (a) provides that good cause for delaying the processing of an application exists when the eligibility determination is delayed beyond the AFDC, AABD or MA processing standard because of unusual circumstances beyond the applicant's control, and one of the following conditions exists: eligibility cannot be determined; or determining eligibility without the necessary information would cause the application to be denied. If the eligibility determination is delayed, the Department continues to process the application until: the application is complete or good cause no longer exists.
- The Department correctly delayed processing the application because eligibility could not be determined and the authorized representative had good cause for not supplying the requested information.

- 10. UPM § 1505.35 (C) (1) (c) (2) provides that the following promptness standards are established as maximum time periods for processing applications: (c) forty five calendar days for AABD or medical applicants applying on the basis of age or blindness.
- 11. UPM § 1505.35 (C) (2) provides that the first day of the processing period begins on the day following the date of application.
- 12. The Department correctly determined the processing period began on \_\_\_\_\_\_,2012.
- 13. UPM § 1505.35 (D) (2) provides that the Department determines eligibility within the standard of promptness for the AFDC, AABD, and medical programs except when verification needed to establish eligibility is delayed and one of the following is true:

The client has good cause for not submitting verification by the deadline; or

- a. The client has been granted a 10 day extension to submit verification which has not elapsed; or
- b. The Department has assumed responsibility for obtaining verification and has had less than 10 days; or
- c. The Department has assumed responsibility for obtaining verification and is waiting for material from a third party.
- 14. The Department properly granted the Appellant many 10 day extensions during the eligibility process.
- 15. UPM § 1505.40 (A) (4) (c) provides that the Department may complete the eligibility determination at any time during the application process when the application process is complete and all required verification has been obtained.
- 16. The Department made an eligibility determination within the standard of promptness upon receipt of all required verifications.

## **DISCUSSION**

Based on departmental policy, the Department makes an eligibility determination upon receipt of all required verifications. Although there were processing delays from the date of application for various reasons, the Department's representative testified that the Appellant's application has been granted. As such, the point is moot. There is no relief to be offered the Appellant.

## **DECISION**

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

Christopher Turner
Hearing Officer

Pc: Albert Williams, Operations Manager 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 <u>specific</u> grounds for the request: for example, indicate <u>what</u> error of fact or law, <u>what</u> new evidence, or <u>what</u> other good cause exists.

Reconsideration requests should be sent to: Department of Social Services, Director, Office of Legal Counsel, Regulations, and Administrative Hearings, 25 Sigourney Street, Hartford, CT 06106.

### 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, 25 Sigourney Street, Hartford, CT 06106. 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 his 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.