# STATE OF CONNECTICUT DEPARTMENT OF SOCIAL SERVICES OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS 55 FARMINGTON AVENUE HARTFORD, CT 06105-3725

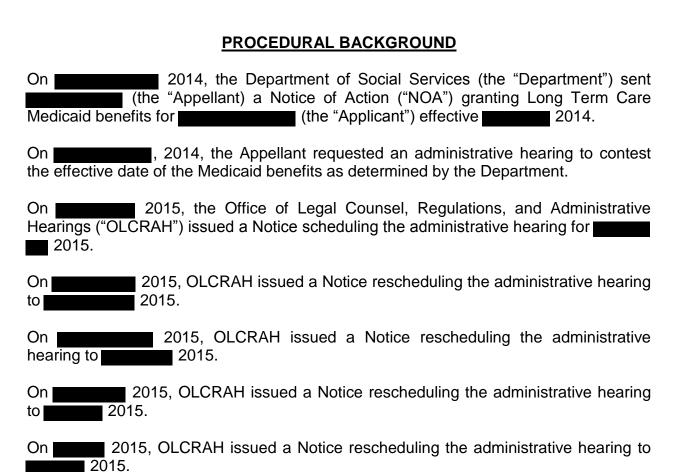
2015
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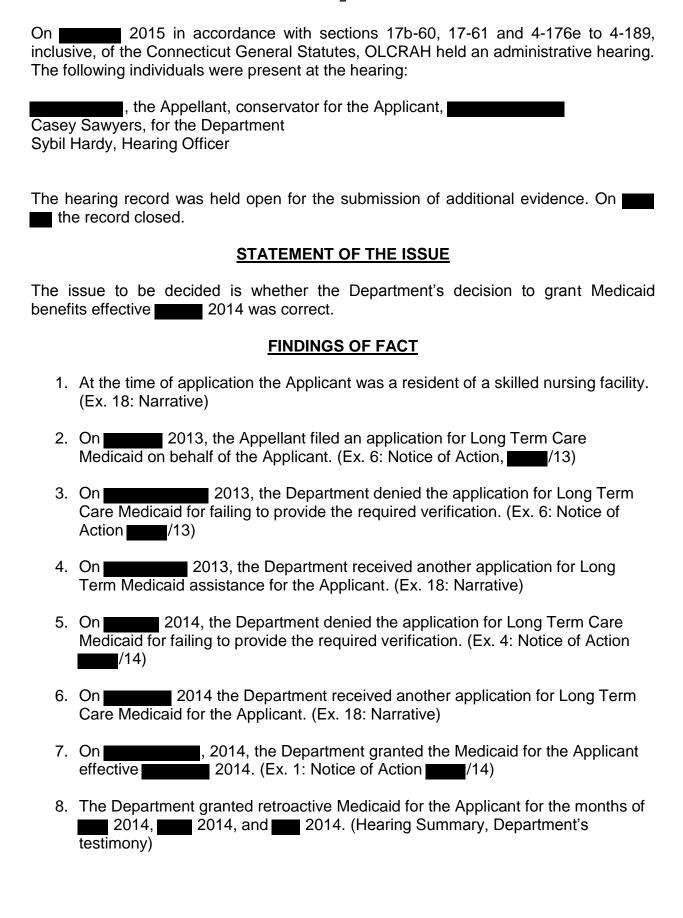
Client ID # Request # 661254

## **NOTICE OF DECISION**

#### **PARTY**







## **CONCLUSIONS OF LAW**

- Section 17b-2 of the Connecticut General Statutes, authorizes the Department of Social Services to administer the Medicaid program pursuant to Title XIX of the Social Security Act.
- 2. Uniform Policy Manual ("UPM") Section§ 1560.10 A, B and C provides that the beginning date of assistance for Medicaid may be either: the first day of the first, second or third month immediately preceding the month in which the Department receives a signed application when all non-procedural eligibility requirements are met and covered medical services are received at any time during that particular month; or the first day of the month of application when all non-procedural eligibility requirements are met during that month; or the actual date in a spenddown period when all non-procedural eligibility requirements are met.
- 3. The Department was correct when it granted Long Term Care Medicaid Benefits effective May of 2014, the third month preceding the application month of August 2014.

#### **DISCUSSION**

The issue of this hearing was the effective date of the benefits for the application received on 2014. The Appellant did not dispute that the application at issue was received on that date. The hearing record contains evidence that at least one previous application was denied for failing to provide required information. This hearing cannot rule on the previous application denials. The Department was correct when it considered eligibility only as far back as the third month preceding the month of the application in which all requirements were met.

The Appellant submitted for consideration the procedural section of policy § 1505.45 Reopening Denied Applications. This policy, however, is not appropriate for this issue as it speaks only to applications for individuals that were denied on the basis of disability criteria and then later successfully having appealed the SSI decision.

# **DECISION**

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

Marci Ostroski, Hearing Officer

Pc: Elizabeth Thomas, Musa Mohamud, Operations Managers DSS R.O. #10 Hartford Casey Sawyers, Fair Hearing Liaison

#### 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 Administrative Hearings and Appeals, 55 Farmington Avenue, Hartford, CT 06105-3725.

#### **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, 55 Farmington Avenue, Hartford, CT 06105. 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 the Commissioner's 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.