

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

██████████ 2015
SIGNATURE CONFIRMATION

Client ID # ██████████
Request # 664071

NOTICE OF DECISION

PARTY

████████████████████
C/O ██████████
████████████████████
████████████████████

PROCEDURAL BACKGROUND

On ██████████ 2014, the Department of Social Services (the “Department”) sent ██████████ ██████████ (the “Appellant”) a Notice of Action (“NOA”) denying her application for Medicaid benefits.

On ██████████ ██████████ 2015, the Appellant’s Power of Attorney (“POA”) requested an administrative hearing to contest the Department’s decision to deny her application for Medicaid.

On ██████████ 2015, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ ██████████ 2015.

On ██████████ 2015, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing. The following individuals were present at the hearing:

██████████ Appellant’s POA
Victor Robles, Eligibility Services Worker, Department’s Representative
Roberta Gould, Hearing Officer

The hearing record was held open for the submission of additional evidence. The record closed on ██████████ 2015.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to deny the Appellant's application for Medicaid for Long Term Care assistance due to failure to provide information needed to establish eligibility was correct.

FINDINGS OF FACT

1. The Appellant applied for Medicaid for Long Term Care assistance on [REDACTED] 2014. (Exhibit 1: W-1 LTC Application for assistance and Hearing summary)
2. [REDACTED] and [REDACTED] are co-Powers of Attorney for the Appellant. (Hearing record)
3. On [REDACTED] 2014, the Department sent a W-1348 We Need Verification from You form to the Appellant's POA requesting documentation of the Appellant's TD Bank accounts, burial fund information and IRA information. The due date for the information was [REDACTED] 2014. (Exhibit 10: W-1348LTC and Exhibit 11: Case narrative and Hearing summary)
4. On [REDACTED] 2014, the Department sent a W-1348 We Need Verification from You form to the Appellant's POA requesting documentation of TD Bank accounts, Bank of America accounts and Webster Bank/LPL Financial account information. The due date for the information was [REDACTED] 2014 (Exhibit 9: W-1348LTC)
5. On [REDACTED] [REDACTED] 2014, the Department received some of the requested documentation. (Exhibit 11)
6. On [REDACTED] 2014, the Department sent a W-1348 We Need Verification from You form to the Appellant's POA requesting documentation of TD Bank account information, Bank of America account information and Webster Bank/LPL Financial account information. The due date for the information was [REDACTED] 2014. (Exhibit 8: W-1348LTC)
7. On [REDACTED] 2014, the Appellant's POA sent some of the requested documentation to the Department. (Exhibit 11)
8. On [REDACTED] 2014, the Department sent a W-1348 We Need Verification from You form to the Appellant's POA requesting TD Bank account information, Bank of America account information and Webster Bank/LPL Financial account information. The due date for the information was [REDACTED] 2014. (Exhibit 7: W-1348LTC)

9. On [REDACTED] 2014, the Appellant's POA sent some of the requested documentation to the Department. (Exhibit 11)
10. On [REDACTED] 2014, the Department sent a W-1348 We Need Verification from You form to the Appellant's POA requesting TD Bank account information, Bank of America account information and Webster Bank/LPL Financial account information. The due date for the information was [REDACTED] 2014. (Exhibit 6: W-1348LTC)
11. On [REDACTED] 2014, the Appellant's POA sent some of the requested documentation to the Department. (Exhibit 11)
12. On [REDACTED] 2014, the Department sent a W-1348 We Need Verification from You to the Appellant's POA requesting TD Bank account information, Bank of America account information and Webster Bank/LPL Financial account information. The due date for the information was [REDACTED] 2014. (Exhibit 5: W-1348LTC)
13. On [REDACTED] 2014, the Appellant's POA sent some of the requested documentation to the Department. (Exhibit 11)
14. On [REDACTED] 2014, the Department sent a W-1348 Verification We Need form to the Appellant's POA requesting TD Bank account information, Bank of America account information and Webster Bank/LPL Financial account information. The due date for the information was [REDACTED] 2014. (Exhibit 4: W-1348LTC)
15. On [REDACTED] 2014, the Appellant's POA sent some of the requested documentation to the Department. (Exhibit 11)
16. On [REDACTED] 2014, the Department sent a W-1348 Verification We Need You form to the Appellant's POA requesting documentation of TD Bank account information and Bank of America account information. The due date for the information was [REDACTED] 2014. (Exhibit 3: W-1348LTC)
17. On [REDACTED] 2014, the Appellant's POA sent some of the requested documentation to the Department. (Exhibit 11)
18. On [REDACTED] 2014, the Department sent a W-1348 Verification We Need form to the Appellant's POA requesting documentation of Bank of America account information. The due date for the information was [REDACTED] 2014. (Exhibit 2: W-1348LTC)
19. The Department did not receive the requested information by [REDACTED] 2014. (Exhibit 11 and Hearing summary)

20. On [REDACTED] 2014, the Department denied the Appellant's application for assistance because the Appellant's POA did not return all of the required verification to determine eligibility. (Exhibit 13: Notice of Denial and Hearing summary)
21. On [REDACTED] 2014, the Appellant's POA sent some of the verifications requested. (Exhibit 11)
22. On [REDACTED] 2015, the Appellant reapplied for Medicaid for Long Term Care assistance.

CONCLUSIONS OF LAW

1. Section 17b-2 and § 17b-260 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") § 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.
3. UPM § 1015.10(A) provides that the Department must inform the assistance unit regarding the eligibility requirements of the programs administered by the Department, and regarding the unit's rights and responsibilities.
4. The Department correctly sent the Appellant's POA W-1348 We Need Verification from You forms requesting information needed to establish eligibility.
5. 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 verification needed to establish eligibility is delayed and one of the following is true:
 - a. the client has good cause for not submitting verification by the deadline; or
 - b. the client has been granted a 10 day extension to submit verification which has not elapsed.; or
 - c. the Department has assumed responsibility for obtaining verification and has had less than 10 days; or
 - d. the Department has assumed responsibility for obtaining verification and is waiting for material from a third party.

6. UPM § 1505.40(B)(5)(a) provides that for delays due to insufficient verification, regardless of the standard of promptness, no eligibility determination is made when there is insufficient verification to determine eligibility when the following has occurred:
 - (1) the Department has requested verification; and
 - (2) at least one item of verification has been submitted by the assistance unit within a time period designated by the Department but more is needed.
7. The Department correctly sent to the Appellant's POA requests for additional documentation when he sent in some, but not all of the requested verifications for the Appellant's application.
8. UPM § 3525.05(B)(1) provides that regarding noncompliance with the application process:
 - a. An application is denied when an applicant refuses to cooperate with the Department.
 - b. It must be clearly shown that the applicant failed to take the necessary steps to complete the application process without good cause before the application is denied for this reason.
9. UPM § 1505.40(B)(5)(b) provides that additional 10 day extensions for submitting verification shall be granted as long as after each subsequent request for verification at least one item of verification is submitted by the assistance unit within each extension period.
10. The Appellant's POA did not respond to the last request for verifications with some information before the [REDACTED] 2014, deadline.
11. The Appellant's POA did not request an extension from the Department for additional time to submit the verifications.
12. On [REDACTED] 2014, the Department correctly denied the Appellant's application for failure to submit information needed to establish eligibility.

DISCUSSION

After reviewing the evidence and testimony presented, the Department's action to deny the Appellant's request for Medicaid is upheld. Regulations provide that an application must remain pending as long as the Department receives one of the requested verifications before the deadline. In this case, the Applicant has two POA's and neither POA provided any documentation to the Department's last request for verification nor did they request additional time to provide the requested verifications. Therefore, the

Department was correct to deny the Applicant's request for Medicaid for failure to provide the necessary verifications.

DECISION

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

Roberta Gould

Roberta Gould
Hearing Officer

Pc: John Hesterberg, Social Services Operations Manager, DSS Manchester RO
Victor Robles, Eligibility Services Worker, DSS Hartford RO

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 specific grounds for the request: for example, indicate what error of fact or law, what new evidence, or what 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.