

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

██████████ 2016
Signature Confirmation

Client ID # ██████████
Request # 743679

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2015, the Department of Social Services (the "Department") sent ██████████, (the "Appellant") a Notice of Action ("NOA") denying his application for Medicaid Long Term Care Assistance program.

On ██████████ 2015, the Appellant's Attorney requested an administrative hearing on behalf of the Appellant's Power of Attorney ("POA") to contest the Department's decision to deny the Appellant's application for Medicaid.

On ██████████ 2016, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for ██████████ 2016.

On ██████████ 2016, the Appellant's attorney requested the administrative hearing be rescheduled.

On ██████████ 2016, OLCRAH issued a notice rescheduling the administrative hearing for ██████████ 2016.

On ██████████ 2016, OLCRAH issued a notice rescheduling the administrative hearing for ██████████ 2016.

On ██████████ 2016, the Appellant's attorney requested the administrative hearing be rescheduled.

On [REDACTED] 2016, OLCRAH issued a notice rescheduling the administrative hearing for [REDACTED] 2016.

On [REDACTED] 2016, the Appellant's attorney requested the administrative hearing be rescheduled.

On [REDACTED] 2016, OLCRAH issued a notice rescheduling the administrative hearing for [REDACTED] 2016.

On [REDACTED] 2016, 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:

[REDACTED], Appellant's POA and son
 [REDACTED], Appellant's Attorney
 [REDACTED], Paralegal for Attorney [REDACTED]
 [REDACTED], Witness, Newington Rapid Recovery
 Ilirjana Sabani, Department's Representative
 Scott Zuckerman, Hearing Officer

The hearing record remained open for the submission of additional information by the Appellant and the Department. On [REDACTED] 2016 the hearing record closed.

STATEMENT OF THE ISSUE

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

FINDINGS OF FACT

1. On [REDACTED] 2015, the Department received an application for Long Term Care Medicaid assistance for the Appellant residing at [REDACTED] Health Care in [REDACTED], CT. (Exhibit 7: Case narrative, [REDACTED] 2015)
2. On [REDACTED] 2015, the Department sent the Appellant's Attorney a W-1348LTC, requesting information needed to determine eligibility. Among the items requested was verification of the source of \$5015.30 deposit into Peoples United account ending in [REDACTED] on [REDACTED] 2013, verify what happened to the funds withdrawn and source of deposit of \$5015.29 into

- Peoples United account ending in [REDACTED] on [REDACTED] 2013. The due date for the requested information was [REDACTED] 2015. (Exhibit 3: W-1348, [REDACTED] 15, Exhibit 7: Case narrative, [REDACTED] 15)
3. On [REDACTED] 2015, the Department reviewed information received and sent the Appellant's Attorney a W-1348LTC, requesting information needed to determine eligibility. Among the items requested was verification of the source of \$5015.30 deposit into Peoples United account ending in [REDACTED] on [REDACTED] 2013, verify what happened to the funds withdrawn and source of deposit of \$5015.29 into Peoples United account ending in [REDACTED] on [REDACTED] 2013. The due date for the requested information was [REDACTED] 2015. (Exhibit 3: W-1348LTC, [REDACTED] 15, Exhibit 7: Case narrative , [REDACTED] 15)
 4. On [REDACTED] 2015, the Department reviewed information received and sent the Appellant's Attorney a W-1348LTC, requesting information needed to determine eligibility. Among the items requested was verification of the source of \$5015.30 deposit into Peoples United account ending in [REDACTED] on [REDACTED] 2013, verify what happened to the funds withdrawn and source of deposit of \$5015.29 into Peoples United account ending in [REDACTED] on [REDACTED] 2013. The Department requested Deposit slips for both accounts. In addition the Department requested caregiver activity logs. The due date for the requested information was [REDACTED] [REDACTED] 2015. (Exhibit 3: W-1348, [REDACTED] 2015 and Exhibit 7: Case narrative [REDACTED] 2015)
 5. On [REDACTED] 2015, the Appellant's attorney sent a letter to the Department indicating she was waiting for People's United Bank to provide composites of the deposits into accounts ending in # [REDACTED] and # [REDACTED]. (Exhibit 4: Letter to the Department from [REDACTED] at [REDACTED] [REDACTED] 15)
 6. On [REDACTED] 2015, the Appellant's attorney sent a letter to Peoples United Bank's Research Department requesting the composite of the Deposit to acct [REDACTED] for \$5015.30 on [REDACTED] 2013 and the composite of the \$5015.29 deposit to account # [REDACTED] on [REDACTED] 2013. (Exhibit B: Letter from [REDACTED] at [REDACTED], P.C., [REDACTED] 15)
 7. On [REDACTED] 2015, the Department reviewed information received and sent the Appellant's representative a W-1348LTC, requesting information needed to determine eligibility. Among the items requested was verification of the source of \$5015.30 deposit into Peoples United account ending in [REDACTED] on [REDACTED] 2013, verify what happened to the funds withdrawn and source of deposit of \$5015.29 into Peoples United account ending in [REDACTED] on [REDACTED] 2013. The Department requested Deposit slips for both accounts. The due date for the requested

- information was ██████████ 2015. (Ex 1: Email from the Department with attachment, ██████████ 15, Ex: 3: W-1348LTC, ██████████ 2015 and Exhibit 7: Case narrative, ██████████ 2015)
8. On ██████████ 2016, the Department discovered that requested verifications were not received by the due date of ██████████ 2015. (Department's testimony, Exhibit 7: Case narrative ██████████ 15)
 9. On ██████████ 2015, the Department sent the Appellant's representative a notice denying his application for Long Term Care Medicaid. The notice stated, "You did not return all of the required verification we asked for". (Exhibit 5: Notice of Denial, ██████████ 15)
 10. On ██████████ 2015, the Appellant's Attorney's office contacted the Department requesting an extension to provide the bank composites. (Exhibit 1: Email from ██████████ to the Department, ██████████ 15)
 11. On ██████████ 2015, the Appellant's Attorney sent a letter to the Department indicating their office received the composites of the requested People's Bank deposits. The Appellant's representative requested the Department re-open the denied application. (Appellant's Exhibit A: Letter from ██████████ at ██████████, ██████████, ██████████ 15)
 12. The Appellant's representatives did not request and extension or provide the requested information prior to the ██████████ 2015 denial. (Facts 8, 9, 10 and 11)
 13. On ██████████ 2015, the Appellant's attorney re-applied for Long Term Care Medicaid for the Appellant and provided the Deposits that were requested on the W-1348LTC that was due on ██████████ 2015. (Exhibit 4: Letter from ██████████ at ██████████ ██████████ 15)

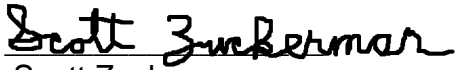
CONCLUSIONS OF LAW

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 to the Appellant's POA, application requirements lists 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: the client has good cause for not submitting verification by the deadline, or the client has been granted a 10 day extension to submit verification which has not elapsed.
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. 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.
8. UPM § 1505.45(B)(1) provides that the Department reopens the denied application of AABD or a MA applicant who:
 - a. was denied assistance for failing to meet the disability criteria; and
 - b. successfully appeals the SSI decision.
9. The Appellant's representatives did not submit any of the requested verifications or request an extension by the due date of [REDACTED] 2015.
10. Because the Appellant's representative did not submit the requested information or have good cause for failure to do so, the Department correctly denied the Appellant's [REDACTED] 2015 application on [REDACTED] 2015 for failure to submit information needed to establish eligibility.

DECISION

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


Scott Zuckerman
Hearing Officer

Cc: Musa Mohamud, Operations Manager, DSS, Hartford Regional Office
Judy Williams, Operations Manager, DSS, Hartford Regional Office
Tricia Morelli, Program Manager, DSS, Hartford Regional Office
Ilirjana Sabani, Fair Hearing Liaison, DSS, Waterbury Regional Office

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.

