

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly denied the Appellant's LTSS application because of failure to submit information needed to establish eligibility.

FINDINGS OF FACT

1. On [REDACTED], 2018, the Appellant entered [REDACTED].
(Exhibit G: page 4 of W-1 LTC application)
2. On [REDACTED], 2018, the Department received the Appellant's application for LTSS benefits. (Summary, Exhibit C: Department's Case Notes printout)
3. The Appellant's daughter, [REDACTED] is the Authorized Representative ("AREP"). (Exhibit G)
4. The Appellant's daughter is the only one listed on the application as an AREP for the Appellant. (Exhibit G, Department's Testimony)
5. The AREP authorized the Department to disclose information regarding the Appellant's application status to [REDACTED] and Attorney [REDACTED].
(Exhibit H: page 20 of W-1LTC application)
6. On [REDACTED], 2018, the Department sent the Appellant's AREP a W-1348LTC verification form requesting information needed to process the Appellant's application. The Department requested verification of level of care and admission date, income and assets. The form states there is no eligibility for Title 19 Long Term Care benefits in any month which counted assets exceed \$1,600.00. The information was due by [REDACTED], 2018. The form states no responses will be accepted if returned via email or fax.
(Summary, Department's Exhibit 1A: W-1348LTC dated [REDACTED]-18)
7. On [REDACTED], 2018, the Department received verifications for the Appellant. The Appellant provided verification of pension. This was the only verification of the requested items that was received. (Exhibit C)
8. On [REDACTED], 2018, the Department sent the Appellant's AREP a W-1348LTC verification form requesting information needed to process the Appellant's application. The form states there is no eligibility for Title 19 Long Term Care benefits in any month which counted assets exceed \$1,600.00. The information was due by [REDACTED], 2019. The form states no responses will be accepted if returned via email or fax.
(Summary, Department's Exhibit 2A: W-1348LTC dated [REDACTED]-18)

9. On [REDACTED], 2019, the Department received a phone call from Attorney [REDACTED]. Attorney [REDACTED] inquired why she did not receive the two W-1348LTC issued by the Department as the AREP gave her copies. She submitted a letter, was listed as an AREP on the application as she filed the application for the Appellant. (Summary)
10. The Department reviewed the file and did not locate a letter from Attorney [REDACTED]. The Department has the Attorney as someone to share information regarding status of application but not listed as an AREP. (Summary, Exhibits G & H)
11. On [REDACTED], 2019, the Department emailed Attorney [REDACTED] with attached W-298 Authorization For Disclosure of Information form. (Summary, Exhibit D: email correspondences with Attorney [REDACTED])
12. On [REDACTED] 2019, the Department received a letter from Attorney [REDACTED] requesting an extension to provide the W-298 and requested items. The extension was granted and the new due date was [REDACTED], 2019. (Summary, letter from Attorney [REDACTED] dated [REDACTED]-19)
13. On [REDACTED], 2019, the Department received a call from Attorney [REDACTED]. She indicated she was unable to locate the W-298 form sent via email and that she did not receive emails from Department. (Summary)
14. On [REDACTED], 2019, the Department issued a copy of the W-1348LTC via email to Attorney [REDACTED]. (Summary, Exhibit D)
15. On [REDACTED] 2019, Attorney [REDACTED] emailed the Department that she received a total of 4 emails from the Department including copy of W-1348LTC on this date. Attorney [REDACTED] also submitted the W-298 form. (Summary, Exhibit D)
16. On [REDACTED], 2019, the Department reviewed the Appellant's file. The Department received the W-298 form and letter requesting an extension. (Summary, Exhibit C)
17. On [REDACTED], 2019, the Department sent the Appellant's AREP and Attorney [REDACTED] a W-1348LTC verification form requesting information needed to process the Appellant's application. The form states there is no eligibility for Title 19 Long Term Care benefits in any month which counted assets exceed \$1,600.00. The information was due by [REDACTED] 2019. The form states no responses will be accepted if returned via email or fax. (Summary, Department's Exhibit 3A: W-1348LTC dated [REDACTED]-19)
18. The W-1348LTC was sent via mail to the AREP, via email and regular mail to Attorney [REDACTED] (Summary, Exhibit C)

19. On [REDACTED] 2019, the Department reviewed the file. The Department had not received any of the requested verifications. (Summary, Department's Testimony)
20. On [REDACTED], 2019, the Department, having received no verifications or other response from the Appellant's Representatives, denied the Appellant's application for medical assistance for failure to provide information necessary to establish eligibility. (Exhibit J: NOA dated [REDACTED]-19)
21. The original NOA was issued to the Appellant and her AREP is a copy recipient for the notice. (Exhibit J: Historical Correspondence Detail)
22. The Department has the Appellant's daughter listed as an AREP to receive copies of notice effective for [REDACTED], 2017. Attorney [REDACTED] is listed as an AREP to receive copies of notice effective for [REDACTED], 2019. (Exhibit F: Authorized Representative – Summary printout)
23. On [REDACTED], 2019, Attorney [REDACTED] had a representative from her office deliver in person a request for a third extension of time and copies of pension checks. (Appellant's Exhibit: letter dated [REDACTED]-19, Appellant's Exhibit A: letter dated [REDACTED]-19, pensions checks dated [REDACTED] 18, [REDACTED] 18, [REDACTED]-18, Attorney [REDACTED] Testimony)
24. Attorney [REDACTED] has no receipt to verify the documents were submitted on that date as the items were placed in the mail drop box at the regional office. (Attorney [REDACTED] Testimony)
25. The Department provided a Case documents printout for the Appellant. The document shows no documents received on [REDACTED] 2019. (Exhibit I: Case documents printout for Appellant)
26. The Department conducted a Document Search for the Appellant's case in its ImpaCT computer system. The search for documents was for the period of [REDACTED] 2018 through [REDACTED], 2019. No records (documents) were found for the Appellant. (Exhibit J: ImpaCT document search printout)
27. The Department was not requesting copies of the pension check on the W-1348LTC dated [REDACTED]-19 as they already had received verification for the pension. (Exhibit C, Exhibit 3A, Department's Testimony)
28. Attorney [REDACTED] submitted pension checks in [REDACTED] 2018 and requested an extension to complete the receipt of further requested items. (Exhibit E: letter dated [REDACTED]-18)
29. The W-138LTC issued on [REDACTED]-18, [REDACTED]-13 and [REDACTED]-19 request the same asset verification be provided to the Department. (Exhibits 1A, 2A, 3A)

30. The W-1348LTC dated [REDACTED]-19 has the AREP's name and address in addition a note indicating that the W-1348LTC was sent to Attorney [REDACTED] via email and regular mail. (Exhibit 3A)
31. The Department did not receive any of the requested asset verifications by the due date of [REDACTED], 2019. (Department's Testimony)
32. Attorney [REDACTED] provided the asset verification requested by the Department as part of the Appellant's Exhibits provided on the hearing date of [REDACTED], 2019. (Appellant's Exhibits C - F)
33. In addition Attorney [REDACTED] provided all the court documents from Court of Probate regarding Conservatorship, Fiduciary and Certification of Payments and Distributions for the Appellant. (Appellant's Exhibit C – F)
34. The Certification of the financial report from Court of Probate is [REDACTED], 2019. (Appellant's Exhibit C – F)
35. The Department does not have any of the documents Attorney [REDACTED] provided on the hearing date of [REDACTED], 2019. (Exhibit C)
36. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within 90 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED], 2019. Therefore, this decision is due not later than [REDACTED], 2019.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the Medicaid program.
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 AREP verification request form requesting information needed to establish eligibility.

5. The Department correctly sent Attorney [REDACTED] verification request form once it received verifications that she was an Authorized Representative.
6. The Appellant's AREP's did provide the information as the Department requested to establish eligibility for the medical assistance program.
7. The Department correctly continued to send the verification request forms to the AREP's as they were providing verifications to the Department.
8. 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.
9. 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.
10. The Department did receive at least one item of verification it requested until [REDACTED], 2019.
11. 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.
12. The Department correctly did not provide the Appellant's AREP's an additional 10 day extensions as it did not receive at least one item of verification.
13. UPM § 1505.40(A)(4) provides the Department may complete the eligibility determination at any time during the application process when:
 - d. adequate information exists to determine ineligibility because one or more eligibility requirements are not satisfied

14. UPM Section 1555.10 (A)(1)(2) provides that under certain conditions, good cause may be established if an assistance unit fails to timely report or verify changes in circumstances and the delay is found to be reasonable. If good cause is established, the unit may be given additional time to complete required actions without loss of entitlement to benefits for a current or retroactive period.
15. The Appellant's AREP's did not establish good cause as to why the requested information was not submitted by the due date.
16. UPM Section 1545.05(D)(1) provides that if the eligibility of the assistance unit depends directly upon a factor or circumstance for which verification is required, failure to provide verification results in ineligibility for the assistance unit. Factors on which unit eligibility depends directly include, but are not limited to:
 - a. income amounts;
 - b. asset amounts.
17. The Appellant's AREP's did not provide the Department with the requested verifications.
18. The Department correctly denied the Appellant's [REDACTED] 2018 medical assistance application on [REDACTED], 2019 for failure to provide information necessary to establish eligibility.

DISCUSSION

The Department correctly followed its procedural and eligibility requirements in processing the Appellant's application. The Department correctly sent the Appellant's AREP's a verification request form. Attorney [REDACTED] issue with receiving notices is noted. But Attorney acknowledges that the Appellant's AREP, her daughter forwarded the W-1348LTC to her. Attorney [REDACTED] provided the Department with the pension checks in [REDACTED] 2018. How would Attorney [REDACTED] know to submit the pension checks unless she had a copy of the form? The W-1348LTC's issued are unchanged in regards to the asset verification the Department is requesting. Attorney [REDACTED] with her exhibits verifies the Court of Probate certified the Appellant's financial on [REDACTED] 2019. Attorney [REDACTED] had until [REDACTED] 2019 to submit verification she had. The letter dated [REDACTED], 2019 request an extension and notes copies of pension checks. The Department already had this verification. Why was the Court of Probate information not included?

The Department conducted a search for the verification Attorney [REDACTED] stated she provided on [REDACTED], 2019. The Department has no record. The Department had already granted two extensions prior to the denial. The Department did not receive the Court of Probate documents until the date of the

hearing. The Appellant's AREP's had the requested verifications but did not submit them by the Department's due date.

DECISION

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

A handwritten signature in black ink, appearing to read "Miklos Mencseli". The signature is written in a cursive style with a horizontal line underneath the name.

Miklos Mencseli
Hearing Officer

C: Lisa Wells, Operations Manager, New Haven DSS R.O. # 20

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.

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.