

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

██████████
Signature Confirmation

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

NOTICE OF DECISION

PARTY

██████████
████████████████████
██████████
████████████████████

PROCEDURAL BACKGROUND

On ██████████ 2019, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA) discontinuing her Husky C- Long Term Care benefits under the Medicaid program effective ██████████ 2019.

On ██████████ 2019, the Appellant requested an administrative hearing to contest the Department's decision to discontinue such benefits.

On ██████████, 2019, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a Notice scheduling the administrative hearing for ██████████ 2019.

On ██████████ 2019, in accordance with sections 17b-60, 17-61 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
██████████, mother of Appellant
██████████, Appellant's Authorized Representative at ██████████
██████████n, Social Woker ██████████
Kenneth Smiley, Department Representative
Almelinda McLeod, Fair Hearing Officer ("FHO")

The hearing record was held open for the submission of additional evidence until the end of the business day. On [REDACTED] 2019 the hearing record was closed.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to discontinue the Appellant's L01 Medicaid for failing to complete the renewal process was correct.

FINDINGS OF FACT

1. On [REDACTED], 2019, the Department issued a notice of renewal (W-1ERL) to the Appellant. (Exhibit 1, W-1ERL)
2. The [REDACTED], 2019 notice of renewal stated that a completed renewal and proofs must be received by [REDACTED] 2018 for the Appellant to receive uninterrupted benefits, otherwise the benefits would end effective [REDACTED]/19. (Exhibit 1)
3. On [REDACTED] 2019, the Appellant sent the renewal along with verifications to the Department's scanning center located at P.O. Box 1320 Manchester Co under tracking Number # [REDACTED]. (Exhibit C- USPS certified receipt)
4. On [REDACTED], 2019, the certified mail was delivered to the PO Box in Manchester, CT. (Fair Hearing Exhibit 1, USPS tracking history)
5. On [REDACTED] 2018, the Department issued a "Warning Notice" indicating a due date of [REDACTED] 2019 or benefits will end on [REDACTED], 2019 because the renewal was not completed on time. (Exhibit 14- Warning Notice)
6. The Department did not receive the Appellant's renewal form by [REDACTED] 2019. (Exhibit 3, Document's Received Log)
7. On [REDACTED], 2019, the Department issued a Notice of Action ("NOA") stating the Appellant's Husky C for Long Term Care ("LTC") was closed effective [REDACTED] 2019.
8. On [REDACTED] 2019, the Appellant requested an administrative hearing. (Exhibit A, Hearing Request)

9. On [REDACTED], 2019, an administrative hearing was held at the [REDACTED] [REDACTED] in [REDACTED], Connecticut. (Hearing record)
10. On [REDACTED] 2019, the Department e-mailed this FHO that at the conclusion of the hearing held on [REDACTED] 2019, the requested verification needed to complete the redetermination had been received by the Department; and the Department was willing to grant Husky C LTC Medicaid without any break in coverage. (FHO Exhibit 2- e-mail [REDACTED]/19)
11. On [REDACTED] 2019, the Department e-mailed this FHO proof that the Appellant was authorized eligible for the Husky C LTC Medicaid effective [REDACTED] 2019. (FHO Exhibit 3 e-mail [REDACTED]/19)
12. The issuance of this decision is timely under section 17b-61(a) of Connecticut General Statutes, 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. This decision, therefore, was due no later than [REDACTED] 2019.

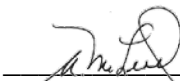
CONCLUSIONS OF LAW

1. Section 17b – 2 (6) of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the Medicaid program pursuant to Title XIX of the Social Security Act.
2. The Department’s uniform policy manual is the equivalent of a state regulation and, as such, carries the force of law. “Bucchere v. Rowe, 43 Conn. Supp. 175, 178 (1994) (citing Conn. Gen. States § 17b-10; Richard v. Commissioner of Income Maintenance, 214 Conn. 601, 573 A. 2d 712 (1990)).
3. Uniform Policy Manual (“UPM”) § 1570.25 (c)(2)(k) provides that the Fair Hearing Official renders a Fair Hearing decision in the name of the Department, in accordance with the Department’s policies and regulations. The Fair Hearing decision is intended to resolve the dispute.
4. UPM § 1570.25 (F) (1) provides that the Department must consider several types of issues at an administrative hearing, including the following:
 - a. eligibility for benefits in both initial and subsequent determinations.

5. The Department has rescinded the discontinuance of the Appellant's Husky C, LTC Medicaid and has granted the Husky C LTC Medicaid effective [REDACTED] 2019 without any break in coverage.
6. The Appellant's hearing issue of the discontinuance of the Husky C Medicaid due to failure to complete a redetermination has been resolved; therefore, there is no issue on which to rule. "When the actions of the parties themselves cause a settling of their differences, a case becomes moot." *McDonnell v. Maher*, 3 Conn. App. 336 (Conn. App. 1985), citing, *Heitmuller v. Stokes*, 256 U.S. 359, 362-3, 41 S. Ct. 522, 523, 523-24, 65 L. Ed. 990 (1921). The discontinuance of the Husky C LTC Medicaid due to failing to complete a redetermination; which the Appellant originally requested has been rescinded; there is no practical relief than can be afforded through an administrative hearing.

DECISION

The Appellant's appeal is Dismissed as moot.



Almelinda McLeod
Hearing Officer

CC: Brian Sexton, SSOM Middletown Regional Office
Kenneth Smiley, Fair Hearing Liaison, Willimantic 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 Legal Counsel, Regulations, and Administrative Hearings, 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 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.