

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

██████████ 2021
Signature Confirmation

Case ID ██████████
Client ID ██████████
Request # 163467

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") denying his application for Medicaid under the Husky C – Long Term Care Program ("Husky C") effective ██████████ 2020.

On ██████████ 2020 ██████████ (AREP), ██████████, ██████████ and Appellant's Authorized Representative, on behalf of the Appellant, requested an administrative hearing to contest the Department's decision to deny such benefits.

On ██████████, 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for ██████████ 2020.

On ██████████ 2020, the AREP requested a continuance which OLCRAH granted.

On ██████████ 2020, the OLCRAH issued a notice scheduling the administrative hearing for ██████████, 2020.

On [REDACTED] 2020, 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 via teleconference.

The following individuals called in for the hearing:

[REDACTED] Conservator of the Person and Estate for the Appellant
[REDACTED], Authorized Representative for the Appellant
Lynette Serrano, Department Representative
[REDACTED] and Witness for the Appellant
[REDACTED] and Witness for the Appellant
[REDACTED] and Witness for the Appellant
Lisa Nyren, Fair Hearing Officer

Due to technical issues which arose at the hearing, OLCRAH issued a notice to reconvene on [REDACTED], 2020.

On [REDACTED], 2020, in accordance with state statutes, OLCRAH continued the administrative hearing via teleconference.

The following individuals called in for the reconvene:

[REDACTED], Conservator of the Person and Estate for the Appellant
[REDACTED], Authorized Representative for the Appellant
Lynette Serrano, Department Representative
Lisa Nyren, Fair Hearing Officer

The record remained open for the submission of additional evidence. On [REDACTED] 2020, the record closed.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's [REDACTED], 2020 decision to deny the Appellant's [REDACTED] 2020 application for Husky C was correct.

FINDINGS OF FACT

1. The Appellant is [REDACTED] years old born on [REDACTED]. The Appellant married [REDACTED] ("ex-spouse") in [REDACTED]. (Hearing Record)

2. On [REDACTED] 2019, [REDACTED], (“nursing facility”), a skilled nursing facility, admitted the Appellant to their facility from the [REDACTED]. The Appellant’s admitting diagnosis was fracture of unspecified part of neck of right femur, age related osteoporosis with current pathological fracture, unspecified femur, unspecified dementia with behavioral disturbance and acute pain due to trauma. (Exhibit E: Admission Notice, Exhibit 1: Admission Record, and Exhibit 3: Physician’s Evaluation and Conservatorship)
3. On [REDACTED] 2019, the Appellant appointed [REDACTED] (“AREP”) as his authorized representative to assist with his application for medical benefits under the Husky C program. (Exhibit 5: Correspondance to the Department)
4. On [REDACTED] 2019, the [REDACTED] issued a final Judgement of Divorce dissolving the marriage between the ex-spouse and the Appellant. The Court found that equitable distribution of marital assets was not an issue since neither party to the divorce contested any such issues. (Exhibit 9: Judgement of Divorce and Exhibit 10: Divorce Records)
5. The Appellant owns one half interest in real property located as [REDACTED] [REDACTED] (“out of state property”) and the ex-spouse owns the other half. The ex-spouse resides at the out of state property. (Hearing Record)
6. On [REDACTED] 2020, the [REDACTED] (the “Court”) found the Appellant unable to manage his financial affairs and personal needs due to his medical condition and appointed [REDACTED] [REDACTED] (“Conservator”) as the Appellant’s Conservator of Person and Conservator of the Estate. (Exhibit 2: Decree of Appointment)
7. The Appellant was the sole owner of [REDACTED] (“Appellant’s bank account”) with an ending balance of \$7,119.24 as of [REDACTED] 2020. (Exhibit 26: Bank Statements)
8. On [REDACTED] 2020, the Department received an application for medical benefits under the Husky C program submitted by the AREP on behalf of the Appellant to cover his stay at the nursing facility. (Hearing Record)
9. The Department determined the 60-month look back period as [REDACTED] 2015 through [REDACTED] 2020. (Hearing Record)
10. On [REDACTED], 2020, the Department issued the AREP form W-1348LTC We Need Verification From You (W-1348LTC form”), request #1, requesting additional information from the Appellant necessary to determine eligibility

- under the Husky C program. The notice requested disclosure of ex-spouse's assets as of [REDACTED] 2015, [REDACTED] 2016, [REDACTED] 2017 and monthly uninterrupted statements from [REDACTED] 2017 through the current month. The notice requested proof of fair equitable distribution of marital assets, including court financial affidavits and final distribution of assets. The notice requested proof of any other assets held by the ex-spouse such as savings bonds, stocks, IRA's, annuities. The notice states, "there is not eligibility for Title 19 for any month in which assets exceed \$1,600.00 Verify how funds are spent. Provide copies of bills, receipts, or cancelled checks." The notice listed the due date for the proof as [REDACTED] 2020. The notice informed the AREP that the Department would take action on the application no later than [REDACTED] 2020. (Exhibit B: Case Notes, Exhibit C: Request for Information and Exhibit 18: Subpoena Documents)
11. On [REDACTED] 2020, the Conservator closed the Appellant's bank account issuing the funds as follows: \$3,069 paid to the nursing facility, \$1,500 paid to [REDACTED] prepaid funeral contract, and \$750 Conservator Fees. (Nursing Facility Testimony and Exhibit B: Case Notes)
 12. On [REDACTED] 2020, the AREP notified the Department that she was unable to secure financial information for the ex-spouse and submitted a request to the Department to issue a subpoena on the Appellant's behalf requesting bank records from [REDACTED] (the "Bank") where the ex-spouse owns an account. (Exhibit 17: Correspondance to the Department)
 13. On [REDACTED] 2020, the AREP filed an application with the Court seeking authority for the Court to issue a subpoena to the Bank on the Appellant's behalf requesting bank records from the Bank where the ex-spouse held an account. (Exhibit 18: Application for Subpoena)
 14. On [REDACTED] 2020, the AREP requested an extension of time to submit the requested documentation which the Department granted. The Department determined the new date for outstanding verification as [REDACTED] [REDACTED] 2020. (Exhibit B: Case Notes)
 15. The Department issued the AREP a W-1348LTC form, request # 2, requesting additional information from the Appellant necessary to determine eligibility under the Husky C program. The notice requested disclosure of ex-spouse's assets as of [REDACTED] 2015, [REDACTED] 2016, [REDACTED] 2017 and monthly uninterrupted statements from [REDACTED] 2017 through the current month. The notice requested proof of fair equitable distribution of marital assets, including court financial affidavits and final distribution of assets. The notice requested proof of any other assets held by the ex-spouse such as savings bonds, stocks, IRA's, annuities. The

notice states, "there is no eligibility for Title 19 for any month in which assets exceed \$1,600.00 Verify how funds are spent. Provide copies of bills, receipts, or cancelled checks." The notice listed the due date for the proof as [REDACTED] 2020. The notice informed the AREP that the Department would take action on the application no later than [REDACTED] 2020 if all necessary information provided. (Exhibit C: Request for Information)

16. On [REDACTED] 2020, the AREP requested additional time to submit the requested information which the Department approved. The Department determined the new due date for outstanding verification as [REDACTED] 2020.
17. The Department issued the AREP a W-1348LTC form, request # 3, requesting additional information from the Appellant necessary to determine eligibility under the Husky C program. The notice requested disclosure of ex-spouse's assets as of [REDACTED] 2015, [REDACTED] 2016, [REDACTED] 2017 and monthly uninterrupted statements from [REDACTED] 2017 through the current month. The notice requested proof of fair equitable distribution of marital assets, including court financial affidavits and final distribution of assets. The notice requested proof of any other assets held by the ex-spouse such as savings bonds, stocks, IRA's, annuities. The notice states, "there is no eligibility for Title 19 for any month in which assets exceed \$1,600.00 Verify how funds are spent. Provide copies of bills, receipts, or cancelled checks." The notice listed the due date for the proof as [REDACTED] 2020. The notice informed the AREP that the Department would take action on the application no later than [REDACTED] 2020 if all necessary information provided. (Exhibit C: Request for Information)
18. On [REDACTED] 2020, the AREP issued a subpoena to the Bank seeking bank records requested by the Department after the Court denied her request for a subpoena. (Exhibit 20: Correspondance to Bank of America)
19. On [REDACTED] 2020, the Department received a copy of the request for a subpoena issued to the Bank and a request from the AREP for additional time to submit outstanding verification. The Department approved the request and determined the new due date for information as [REDACTED] 2020. (Exhibit B: Case Notes)
20. The Department issued the AREP a W-1348LTC form, request # 4, requesting additional information from the Appellant necessary to determine eligibility under the Husky C program. The notice requested disclosure of ex-spouse's assets as of [REDACTED] 2015, [REDACTED] 2016, [REDACTED] 2017 and monthly uninterrupted statements from [REDACTED] 2017 through the current month. The notice requested proof of fair equitable distribution of marital assets, including court financial affidavits and final

- distribution of assets. The notice requested proof of any other assets held by the ex-spouse such as savings bonds, stocks, IRA's, annuities. The notice states, "there is no eligibility for Title 19 for any month in which assets exceed \$1,600.00 Verify how funds are spent. Provide copies of bills, receipts, or cancelled checks." The notice listed the due date for the proof as ██████████ 2020. The notice informed the AREP that the Department would take action on the application no later than ██████████ 2020 if all necessary information provided. (Exhibit C: Request for Information)
21. On ██████████ 2020, the AREP submitted proof that the Bank received the subpoena to the Department and requested additional time to submit outstanding verification which the Department approved. The Department determined the new due date for verification as ██████████, 2020. (Exhibit B: Case Notes)
 22. On ██████████ 2020, the Department issued the AREP a W-1348LTC form, request # 5, requesting additional information from the Appellant necessary to determine eligibility under the Husky C program. The notice requested disclosure of ex-spouse's assets as of ██████████ 2015, ██████████ 2016, ██████████ 2017 and monthly uninterrupted statements from ██████████ 2017 through the current month. The notice requested proof of fair equitable distribution of marital assets, including court financial affidavits and final distribution of assets. The notice requested proof of any other assets held by the ex-spouse such as savings bonds, stocks, IRA's, annuities. The notice states, "there is no eligibility for Title 19 for any month in which assets exceed \$1,600.00 Verify how funds are spent. Provide copies of bills, receipts, or cancelled checks." The notice listed the due date for the proof as ██████████ 2020. The notice informed the AREP that the Department would take action on the application no later than ██████████ 2020 if all necessary information provided. (Exhibit C: Request for Information and Exhibit 15: W-1348 Requests)
 23. On ██████████ ██████████ 2020, the Department received some of the requested information, specifically statements from the Bank and credit card statements (2017 – 2020) for accounts held by the ex-spouse, and statements from the Bank for a joint account held by Appellant with the ex-spouse (2015 – 2017). (Exhibit B: Case Notes, Exhibit 21: Correspondence to Department, and Exhibit 25: Bank Statements)
 24. On ██████████ ██████████ 2020, the Department issued the AREP a W-1348LTC form, request # 6, requesting additional information from the Appellant necessary to determine eligibility under the Husky C program. The notice requested disclosure of ex-spouse's assets as of ██████████ 2015, ██████████ 2016, ██████████ 2017 and monthly uninterrupted statements from ██████████ 2017 through the current month. The notice requested proof

- of any other assets held by the ex-spouse such as savings bonds, stocks, IRA's, annuities. The notice requested bank statements from the Appellant's Bank account listing the [REDACTED] 2020 balance as \$7,119.24. The notice states, "there is no eligibility for Title 19 for any month in which assets exceed \$1,600.00 Verify how funds are spent. Provide copies of bills, receipts, or cancelled checks." The notice listed the due date for the proof as [REDACTED] 2020. The notice informed the AREP that the Department would take action on the application no later than [REDACTED] 2020 if all necessary information provided. (Exhibit B: Case Notes and Exhibit C: Request for Information)
25. On [REDACTED] 2020, the Department received some of the requested information which included proof of asset reduction from the Appellant's bank account and proof Appellant's bank account closed along with information regarding ex-wife's assets held by the Bank. (Exhibit B: Case Notes and Exhibit 26: Bank Statements)
26. On [REDACTED] 2020, the Department issued the AREP a W-1348LTC form, request # 7, requesting additional information from the Appellant necessary to determine eligibility under the Husky C program. The notice requested disclosure of ex-spouse's assets as of [REDACTED] 2015, [REDACTED] 2016, [REDACTED] 2017 and monthly uninterrupted statements from [REDACTED] 2017 through the current month. The notice requested proof of any other assets held by the ex-spouse such as savings bonds, stocks, IRA's, annuities. The notice requests "verification of equitable distribution at the time of divorce." The notice states, "there is no eligibility for Title 19 for any month in which assets exceed \$1,600.00 Verify how funds are spent. Provide copies of bills, receipts, or cancelled checks." The notice listed the due date for the proof as [REDACTED] 2020. The notice informed the AREP that the Department would take action on the application no later than [REDACTED] 2020 if all necessary information provided. (Exhibit B: Case Notes and Exhibit C: Request for Information)
27. On [REDACTED] 2020, the Department issued the AREP a W1348LTC form, request # 7A, requesting additional information from the Appellant necessary to determine eligibility under the Husky C program. The notice requested disclosure of ex-spouse's assets as of [REDACTED] 2015, [REDACTED] 2016, [REDACTED] 2017 and monthly uninterrupted statements from [REDACTED] 2017 through the current month. The notice requested proof of any other assets held by the ex-spouse such as savings bonds, stocks, IRA's, annuities. The notice requested proof of services selected for [REDACTED] [REDACTED] ("funeral services contract"). The notice states, "there is no eligibility for Title 19 for any month in which assets exceed \$1,600.00 Verify how funds are spent. Provide copies of bills, receipts, or cancelled checks." The notice listed the due date for the proof as [REDACTED] 2020. The notice informed the AREP that the Department would take

action on the application no later than ██████████ 2020 if all information necessary is provided. (Exhibit C: Request for Information and Exhibit 15: W-1348 Requests)

28. The Department received proof of funeral services contract, asset declaration from the Appellant, and proof of ownership in out of state property. The Department did not receive proof of equitable distribution of marital assets at time of the divorce. (Exhibit B: Case Notes and Department Representative's Testimony)
29. Because the Department determined proof of equitable distribution of marital assets remained outstanding, the Department determined the Appellant ineligible for Medicaid under the Husky C program and denied the Appellant's application for Husky C. (Exhibit B: Case Notes and Exhibit D: Notice of Action)
30. On ██████████ 2020, the Department issued a notice of action to the Appellant denying the Appellant's request for Husky C effective ██████████ 2020 for the following reasons: "You did not return all of the required proofs by the date we asked [and] does not meet program requirements." (Exhibit D: Notice of Action)

CONCLUSIONS OF LAW

1. Section 17b-2(6) of the Connecticut General Statutes ("Conn. Gen. Stat.") provides as follows: The Department of Social Services is designated as the state agency for the administration of the Medicaid program pursuant to Title XIX of the Social Security Act.
2. "The Department of Social Services shall be the sole agency to determine eligibility for assistance and services under programs operated and administered by said department." Conn. Gen. Stat. § 17-261b(a)
3. 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. Stat, § 17b-10; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A.2d 712(1990))
4. Section 1500.01 of the Uniform Policy Manual ("UPM") provides as follows: The application process is all activity related to the exploration, investigation and disposition of an application beginning with the filing of an assistance request and ending with the disposition of the application.

“The application process outlines the general methods and requirements used in obtaining assistance and in determining an assistance unit’s initial eligibility. The application process is essentially the same for all programs. It is designed to provide aid in a prompt and efficient manner to those who request assistance.” UPM § 1505

“Prior to making an eligibility determination the Department conducts a thorough investigation of all circumstances relating to eligibility and the amount of benefits.” UPM § 1505.40(A)(1)

5. Department policy provides in pertinent part:

Residents of institutions may apply for assistance and be certified on their own behalf, or through the use of an authorized representative who may be an individual of the applicant’s choice or an employee designated by the institution for this purpose.

UPM § 1525.15(C)(1)(a)

6. The Department correctly determined the AREP qualified to submit an application for Medicaid on behalf of the Appellant.

7. “The date of application as the date a formal written request for assistance is filed with the Department in accordance with the rules established for the program for which application is made.” UPM § 1500.01

“For AFDC, AABD, and MA applications, except for the Medicaid coverage groups noted below in 1510.10(D)(2), the date of application is considered to be the date that a signed application form is received by any office of the Department.” UPM § 1505.10(D)(1)

8. The Department correctly determined the date of application as [REDACTED] 2020.

9. “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.” UPM § 1015.10(A)

“The Department must tell the assistance unit what the unit has to do to establish eligibility when the Department does not have sufficient information to make an eligibility determination.” UPM § 1015.05(C)

“The policy contained in this chapter pertains to institutionalized individuals and their spouses.” UPM § 3029.05(B)(1)

Department policy provides as follows:

There is a period established, subject to the conditions described in this chapter, during which institutionalized individuals are not eligible for certain Medicaid services when they or their spouses dispose of assets for less than fair market value on or after the look-back date specified in 3029.05C. This period is called the penalty period, or period of ineligibility.

UPM § 3029.05(A)

Department policy provides as follows:

The look-back date for transfers of assets is a date that is 60 months before the first date on which both following conditions exist:

1. the individual is institutionalized; and
2. the individual is either applying for or receiving Medicaid.

UPM § 3029.05(C)

Department policy provides as follows:

1. The Department considers transfers of assets made within the time limits described in 3029.05C, on behalf of an institutionalized individual or his or her spouse by a guardian, conservator, person having power of attorney or other person or entity so authorized by law, to have been made by the individual or spouse.
2. In the case of an asset that the individual holds in common with another person or persons in joint tenancy, tenancy in common or similar arrangement, the Department considers the asset (or affected portion of such asset) to have been transferred by the individual when the individual or any other person takes an action to reduce or eliminate the individual's ownership or control of the asset.

UPM § 3029.05(D)

10. The Department correctly established the 60-month look back period as [REDACTED] [REDACTED] 2015 through [REDACTED] [REDACTED] 2020, 60-months prior to the Husky C application date of [REDACTED] [REDACTED] 2020.
11. The Department correctly determined disclosure of the distribution of marital assets at the time of divorce falls within the look back period and necessary to determine eligibility under the Husky C program. Although the Appellant was not married at the time of application, the Appellant divorced during the look back period and therefore the division of marital assets at the time of divorce is reviewed to determine whether or not a transfer of asset occurred.

12. On [REDACTED] [REDACTED] 2020, the Department correctly determined proof of equitable distribution of marital assets at the time of the divorce an eligibility criteria under the Husky C program and issued the AREP a W-1348 form requesting documentation.
13. The Department incorrectly determined proof of the ex-spouse's current assets necessary to determine the Appellant's eligibility under the Husky C program. As the Appellant is divorced, proof of the ex-spouse's current assets is not needed to determine the Appellant's eligibility under the Husky C program.
14. Department policy provides as follows:

Delays Due to Insufficient Verification (AFDC, AABD, MA Only)

- a. 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.
- b. 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.

UPM § 1505.40(B)(5)

15. The Department correctly granted the AREP on behalf of the Appellant several 10-day extensions to submit requested verifications since the AREP submitted some of the requested items of verification to the Department within the time period designated by the Department but more time was needed to pursue additional requested verifications.
16. On [REDACTED] [REDACTED] 2020, the Department incorrectly determined the Appellant did not qualify for an additional ten (10) day extension because the Appellant failed to submit the requested documents by the [REDACTED] [REDACTED] 2020 due date as listed on the W-1348LTC form, request #7A, issued on [REDACTED] [REDACTED] 2020. The Department received some of the requested information, specifically funeral services contract within the time period designated by the Department.
17. Department policy provides as follows:

As a condition of eligibility, members of the assistance unit are required to cooperate in the initial application process and in reviews, including those generated by reported changes, redetermination, and Quality Control. (cross reference: Eligibility Process 1500) Applicants are responsible for cooperating with the Department in completing the application process by:

- a. Fully completing and signing the application form; and
- b. Responding to a scheduled appointment for an interview; and
- c. Providing and verifying information as required.

UPM § 3525.05(A)(1)

Department policy provides as follows:

Requirements. An assistance unit is required to cooperate in pursuing inaccessible assets, as determined by the Department. Cooperation may required one or more of the following:

1. pursuit of inaccessible assets such as:
 - a. property in probate,
 - b. jointly owned property,
 - c. a trust,
 - d. personal property in someone else's possession,
 - e. the assets of the ex-spouse, when there has been an assignment of support rights; (Cross Reference 4025.68)
2. compliance with the Department's request for one or more of the following:
 - a. information about the asset;
 - b. names and addresses of people involved;
 - c. a petition to the probate court;
 - d. an application for compensation equal to the value of the assistance unit's interest;
 - e. a letter of demand or inquiry to the current holder of an asset.

UPM § 3525.15(A)

"Good cause claims for lack of cooperation with eligibility processes must be verified to the satisfaction of the Department when they are questionable." UPM § 3599.25(A)(1)

"An individual must verify that he or she has complied with any request from the Department for a direct collateral contact which does not involve Department personnel." UPM § 3599.25(C)

"Penalties for non cooperation with the application and review processes are not imposed under the following conditions, which are considered

good cause for noncompliance: circumstances beyond the assistance unit's control." UPM § 3535.05(C)(1)

18. The Department incorrectly determined the Appellant failed to establish good cause for not submitting additional verification regarding the division of marital assets at the time of the divorce. The Department failed to consider the ex-spouse resides out of state and her refusal to cooperate in the application process. The Department failed to consider the Appellant's diagnosis which includes dementia and his inability to provide the AREP or the Conservator with past and present financial information as demonstrated at the time the Court appointed a conservator. The AREP subpoenaed the Bank for records relating to jointly held marital assets demonstrating cooperation in the eligibility process as she pursued jointly held assets. The AREP on behalf of the Appellant has demonstrated she is unable to obtain any additional information regarding the division of marital assets due to circumstances beyond her control.

19. "The following promptness standards are established as maximum time periods for processing applications: forty-five calendar days for: AABD or MA applicants applying on the basis of age or blindness." UPM § 1505.35(C)(1)(c)(2)

"If the eligibility determination is delayed, the Department continues to process the application until a decision can be made." UPM § 1505.40(B)(2)(b)

"The following provisions apply if subsequent to an administrative delay the applicant becomes responsible for not completing the application process: for AFDC, AABD, and MA applications, the Department: continues to pend the application if good cause can be established or if a 10-day extension is granted." UPM § 1505.40(B)(3)(a)(2)

Department policy provides as follows:

If the eligibility determination is delayed, the Department continues to process the application until:

1. the application is complete; or
2. good cause no longer exists.

UPM § 1505.40(B)(4)(b)

20. On [REDACTED] [REDACTED] 2020, the Department incorrectly denied the Appellant's application for Husky C effective [REDACTED] [REDACTED] 2020 for failure to submit information necessary to establish eligibility under the Husky C program. The AREP on behalf of the Appellant has provided to the

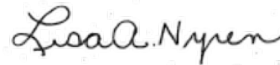
Department the necessary information to determine eligibility under the Husky C program.

DECISION

The Appellant's appeal is granted.

ORDER

1. The Department must reopen the Appellant's [REDACTED] [REDACTED] 2020 application for medical benefits under the Husky C program and continue to process eligibility.
2. With respect to the Appellant's [REDACTED] [REDACTED] 2020 application, the undersigned hearing officer finds that the Appellant has met his burden to establish the equitable distribution of marital assets during the 60-month look back period.
3. Compliance is due 14-days from the date of this decision.



Lisa A. Nyren
Fair Hearing Officer

CC: [REDACTED]
Judy Williams, DSS RO #60
Jamel Hilliard, DSS RO #60
Lynnette Serrano, DSS RO #60

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, 165 Capitol Avenue, 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.