

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 # 728523

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2015, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") discontinuing his Employed Disabled Medical benefits effective ██████████ 2015.

On ██████████ 2015, the Appellant requested an administrative hearing to contest the discontinuance of said benefits.

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

The Appellant requested that his hearing be rescheduled because he did not receive it in time to attend. This request was granted.

On ██████████ ██████████ 2015, OLCRAH issued a Notice of Rescheduled Administrative Hearing. The Appellant's hearing was rescheduled for ██████████ ██████████ 2015.

On ██████████ 2015, OLCRAH issued a Withdrawal of Hearing Request letter.

The [REDACTED] 2015 dismissal of the Appellant's hearing was an error and on [REDACTED] 2015, OLCRAH issued a notice rescheduling the Appellant's hearing to [REDACTED] 2016.

On [REDACTED] 2015, OLCRAH issued an Acknowledgement of Withdrawal of Hearing Request letter.

On [REDACTED] 2015, the Appellant sent to OLCRAH a written statement declaring that he had not cancelled his hearing request and that he wished to proceed with the hearing.

On [REDACTED] 2016, 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:

[REDACTED], Appellant
Eleana Toletti, Department's Representative
Pamela J. Gonzalez, Hearing Officer

The hearing record was held open to allow for the submission of additional information. On [REDACTED] 2016 the record closed.

STATEMENT OF THE ISSUE

The issue is whether the Department correctly discontinued the Appellant's Employed Disabled benefits effective [REDACTED] 2015.

FINDINGS OF FACT

1. The Appellant was receiving assistance under the Medicaid for the Employed Disabled program. (Notice dated [REDACTED] 2015 – Department's exhibit 1)
2. The Appellant is age sixty-eight. (Appellant's testimony)
3. On [REDACTED] 2015, the Department issued a notice to the Appellant to advise him that because he was over age sixty, he was no longer eligible to receive medical assistance under the Medicaid for the Employed Disabled program. (Department's exhibit 1)
4. The Department discontinued the Appellant's Medicaid for the Employed Disabled benefits effective [REDACTED] 2015. (Department's exhibit , Hearing record)

5. The Appellant presented a statement from the Director of the Bureau of Rehabilitation Services clarifying the Department of Social Services' policy regarding an upper age limit. (Statement date [REDACTED] 2015 – Appellant's exhibit A)
6. The hearing record was held open to allow the Department to review and comment on the Bureau of Rehabilitation Services statement. (Hearing record)
7. On [REDACTED] 2016, OLCRAH received notice from the Department that after reviewing the Bureau of Rehabilitation Services statement, it reversed its decision to end Medicaid for the Employed Disabled benefits. (Compliance Letter dated [REDACTED] 2016 – Department's exhibit 6)
8. The Department reinstated the Appellant's benefits back to the date of discontinuance. (Eligibility Services Management STAT screen print - Department's exhibit 7)

CONCLUSIONS OF LAW

Section 17b-2 of the Connecticut General Statutes ("Conn. Gen. Stats") authorizes the Commissioner of the Department of Social Services to administer the Medicaid program.

2. State statute authorizes the Department of Social Services to establish and implement a working persons with disabilities program to provide medical assistance as authorized under 42 USC 1396a(a)(10)(A)(ii), as amended from time to time, to persons who are disabled and regularly employed. Conn. Gen. Stats § 17b-597(a)
3. State Statute provides the Commissioner of Social Services shall implement the policies and procedures necessary to carry out the provisions of this section while in the process of adopting such policies and procedures in regulation form, provided notice of intent to adopt the regulations is published in the Connecticut Law Journal within twenty days after implementation. Conn. Gen. Stats § 17b-597(c)
4. Uniform Policy Manual ("UPM") § 2540.85 provides that there are two distinct groups of employed individuals between the ages of 18 and 64 inclusive who have a medically certified disability or blindness and who qualify for Medicaid as working individuals with disabilities. These groups are the Basic Insurance Group and the Medically Improved Group. There is a third group of employed individuals consisting of persons at least 18 years of age who have a medically certified disability or blindness who also qualify for Medicaid as working

individuals with disabilities. This is the Balanced Budget Act Group. Persons in his third group may be age 65 or older.

5. The Department has reversed its determination that the Appellant is ineligible due to his age and has reinstated assistance back to the date of discontinuance without a lapse in coverage.

DISCUSSION

The issue for which this hearing was scheduled to address no longer exists as the Department has restored benefits back to the date of discontinuance.

DECISION

The Appellant's appeal is dismissed.

Pamela J. Gonzalez

Pamela J. Gonzalez
Hearing Officer

Copy: Tyler Nardine, SSOM, R.O. #50, Middletown
Eleana Toletti, ESW, R.O. #50, Middletown

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.

