

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATION AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CONNECTICUT 06105-3730

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

CL ID # ██████████
REQUEST ID #739380

NOTICE OF DECISION

PARTY

██████████
██
██████████
██

REASON FOR HEARING

On ██████████ 2015, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") discontinuing medical benefits under the Medicare Savings Program ("MSP") program.

On ██████████ 2015, the Appellant requested an administrative hearing to contest the Department's decision to discontinue such benefits.

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

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

On ██████████ 2015, 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:

██████████, the Appellant
██████████, Appellant's Representative, ██████████

Tamika Sanders, Department Representative
Miklos Mencseli, Hearing Officer

STATEMENT OF ISSUE

The issue to be decided is whether the Department's decision to discontinue benefits under the Medicare Savings Program was correct.

FINDING OF FACTS

1. On [REDACTED] 2015, the Department sent a NOA to the Appellant advising him that he must complete and return a redetermination form by [REDACTED] 2015 in order for the Department to conduct a review of his eligibility for the MSP. (Ex. 2: NOA dated [REDACTED] 15)
2. On [REDACTED] 2015 the Department sent a NOA to the Appellant advising him that the Department has not received the redetermination form that was due to be returned by [REDACTED] 2015, and that unless the Appellant returns the completed form by [REDACTED] 2015, the Appellant's benefits will be discontinued effective [REDACTED] 2015. (Ex. 3: NOA dated [REDACTED]-15)
3. On [REDACTED] 2015, the Department sent a NOA to the Appellant advising him that his Medical Assistance will be discontinued effective [REDACTED] 2015 because he did not complete the review process. (Ex. 1: NOA dated [REDACTED]-15)
4. The Department checked the ConneCT system to determine if the Appellant's renewal form had been submitted. The Department was unable to locate the renewal form. (Summary)
5. The Department has no indication of that any of the notices were returned by the Post Office. (Testimony)
6. The Appellant placed mail from the Department's in a pile and did not review them. (Testimony)
7. The Appellant's Social Security Administration benefits were reduced as the result of his Medicare part B premium not being paid by the MSP program. (Testimony)
8. The Appellant has re-applied for MSP benefits with the help of [REDACTED] [REDACTED]. (Testimony)

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes ("C.G.S.") authorizes the Commissioner to administer the Medicaid program pursuant to Title XIX of the Social Security Act.

2. UPM § 2540.94 provides the criteria to qualify for Medical Assistance under the Qualified Medicare Beneficiaries Medicaid Coverage Group.
3. UPM § 1545.05(A)(1) provides that eligibility for Medical Assistance is redetermined regularly on a scheduled basis.

UPM § 1545.05(B)(1) provides that the purpose of the redetermination is to review all circumstances relating to need, eligibility, and benefit level.

UPM § 1545.05(B)(4) provides that assistance is discontinued if eligibility is not reestablished.

4. UPM § 1545.05(D) provides that assistance units are timely notified of all actions taken by the Department, including notification that a redetermination is to be conducted, and notification of adverse action where appropriate.
5. UPM § 1545.10(A)(1)(c) provides that the assistance unit becomes due for redetermination in the final month of the redetermination period.
6. UPM § 1545.25 provides that:
 - A. Assistance units are required to complete a redetermination form at each redetermination
 - B. The redetermination form may be:
 1. The same form used at the time of application; or
 2. A form designed specifically for the redetermination process.
 - C. The Department provides each assistance unit with a redetermination form at the same time unit is issued its notice of redetermination
 - D. Assistance units that do not complete the redetermination form within the time limits specified in this chapter may be subject to discontinuance or an interruption in benefits.
 - E. The redetermination form must be signed by someone qualified to complete the redetermination on behalf of the assistance unit.
7. UPM § 1545.40(A)(2) provides that unless otherwise stated, assistance is discontinued on the last day of the redetermination month if eligibility is not reestablished through the redetermination process.
8. The Department correctly discontinued the Appellant's MSP Medical Assistance because he did not return the redetermination form.

DISCUSSION

The Department was correct to discontinue the Appellant's MSP Medical Assistance because he did not return the redetermination form. The Appellant was properly notified that the Department was conducting a redetermination of his MSP assistance, and that he was required to return a completed form to the Department as part of the process. The Appellant never returned the form, and the Department was correct to discontinue his benefits as of [REDACTED] 2015, the last day of the final month of his redetermination period.

It is unfortunate that the Appellant's MSP was discontinued and he received reduced benefits. The Department properly notified him and followed its procedural process. There is no relief that the undersigned can provide to the Appellant.

DECISION

The Appellant's appeal is DENIED.


Miklos Mencseli
Hearing Officer

C: Rachel Anderson, Operations Manager, Stamford R.O. # 32
[REDACTED]

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.