# 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 # 756303

## **NOTICE OF DECISION**

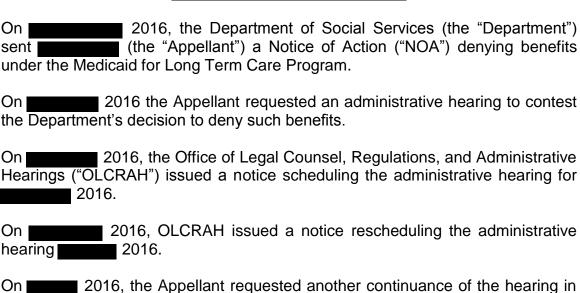
## **PARTY**



request for a continuance.

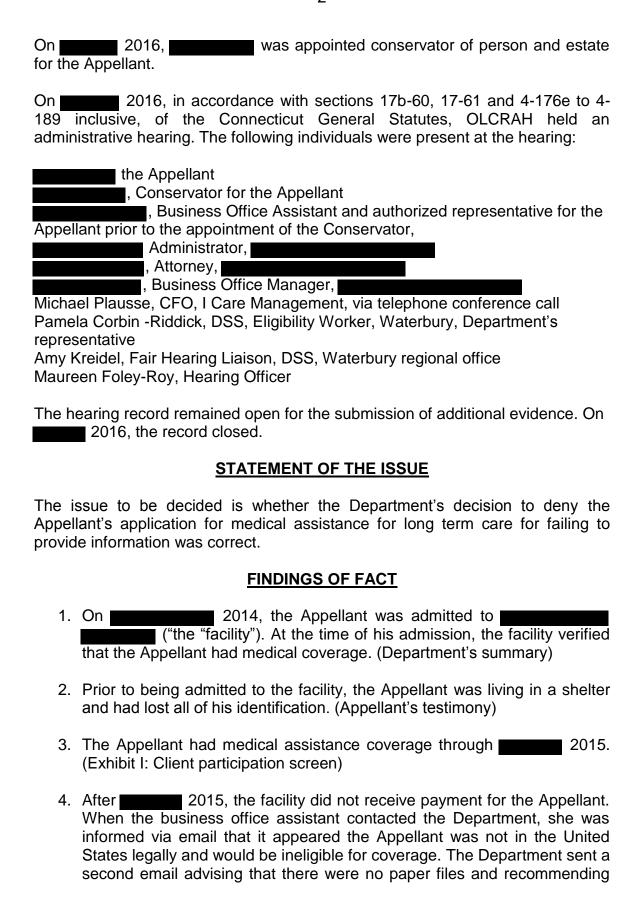
On 2016.

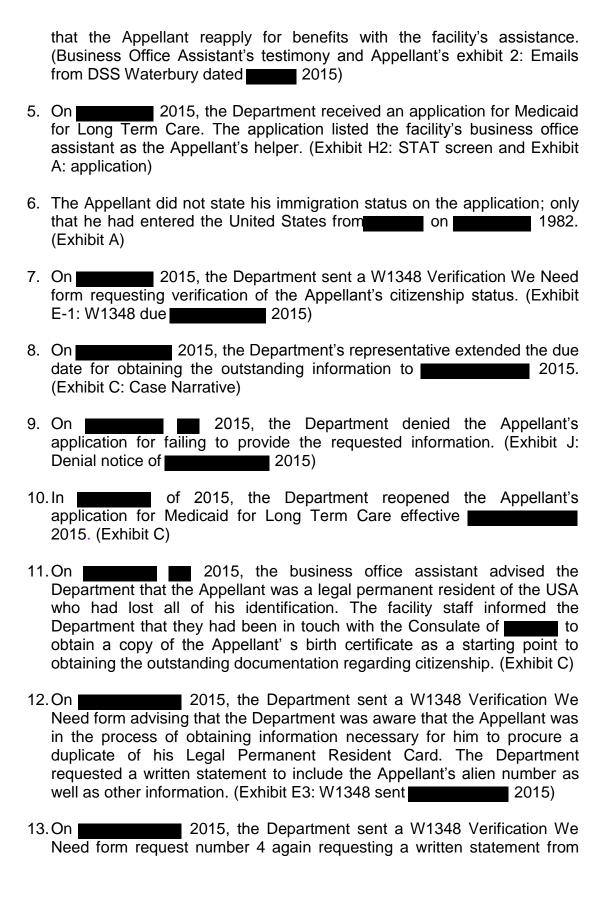
## PROCEDURAL BACKGROUND

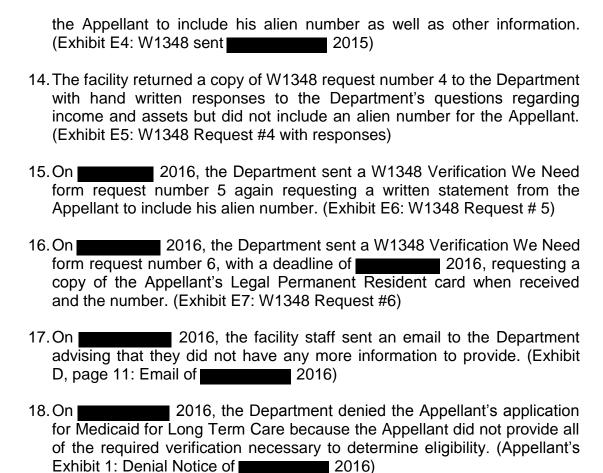


order to have a conservator appointed. OLCRAH again granted the Appellant's

2016, OLCRAH issued a notice rescheduling the hearing for







19. The Appellant continues to reside at the facility and the facility is currently owed \$147,000 for his stay. (Facility Administrator's testimony)

#### 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") § 3005 provides that an individual must be either a citizen or an eligible non-citizen in order to receive benefits from any program.
- 3. 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.

- 4. UPM § 1015.05 C states that 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.
- 5. The Department was correct when it sent W1348 Verification We Need forms requesting information regarding the Appellant's citizenship status.
- 6. UPM § 1505.40 B 5 provides for delays in application processing due to insufficient verification in the AFDC, AABD and MA programs.
- 7. UPM § 1505.40 B 5 a (1) and (2) provide that regardless of the standard of promptness, no eligibility determination is made when there is insufficient verification to determine eligibility when the Department has requested verification and 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.
- 8. UPM § 1505.40 B 5 b provides that an additional 10 day extension 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.
- The Department was correct when it granted extensions to the deadlines for outstanding information when the Appellant requested extensions and was pursuing the information regarding citizenship.
- 10. The Department was correct on 2016 when it denied the application for failure to provide information that it had requested on 2016 when it had received the email stating there would be no more information forthcoming.

### DISCUSSION

The Department initially denied this application in the Appellant did not provide the information necessary to establish eligibility, including verification of his citizenship status. The Appellant has given conflicting statements regarding his citizenship status. Based on statements that the Appellant was a legal permanent resident who had lost his documentation and needed time and assistance to replace it, the Department reopened the application. The Department continued to request the required information and grant extensions to the Appellant and the facility to obtain the information. However, it appears that the Appellant never was a legal permanent resident and the information that the Department was requesting does not exist. The Appellant testified that he wasn't sure of his status. The facility did everything it could, including going to the consulate in New York to obtain information needed to obtain a copy of the client's alien card. The Department correctly

denied the application because the Appellant failed to provide verification that he was a U. S. citizen or qualified non-citizen.

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# **DECISION**

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

Maureen Foley-Roy, Maureen Foley-Roy, Hearing Officer

CC: Musa Mohamud, Judy Williams, Operations Managers, DSS Hartford Tricia Morelli, Program Manager, Hartford Amy Kreidel, DSS Fair Hearing Liaison, Waterbury Pamela Corbin-Riddick, DSS Eligibility Services Worker, Waterbury

## 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 <u>specific</u> grounds for the request: for example, indicate <u>what</u> error of fact or law, <u>what</u> new evidence, or <u>what</u> 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.