

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

██████████ 2017
Signature Confirmation

Client ID # ██████████
Request # 785745

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

On ██████████ 2016, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") discontinuing medical assistance benefits under the HUSKY D Medicaid Program ("MA").

On ██████████ 2016, the Appellant requested an administrative hearing to contest the Department's decision to discontinue such benefits.

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

On ██████████ ██████████ 2016, the Appellant, through his counsel, requested a continuance of the hearing, which OLCRAH granted.

On ██████████ 2016, OLCRAH issued a notice rescheduling the administrative hearing for ██████████ 2016.

On ██████████ 2016, the Appellant, through his counsel, requested a second continuance of the hearing, which OLCRAH granted.

On [REDACTED] 2016, OLCRAH issued a notice rescheduling the hearing for [REDACTED] 2016.

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] the Appellant
Attorney [REDACTED] Counsel for the Appellant
Sara Hart, DSS, Fair Hearing Liaison, Willimantic, Department's representative
Suzanne Brockett, DSS, Willimantic
Maureen Foley-Roy, Hearing Officer

The hearing record remained open for the submission of additional evidence. On [REDACTED] 2016, the record closed.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to discontinue the Appellant's benefits for HUSKY D medical assistance because he failed to provide information was correct.

FINDINGS OF FACT

1. The Appellant was born in Canada on [REDACTED] 1954. His parents were [REDACTED] (born in the United States) and [REDACTED]. (Exhibit G: Appellant's birth certificate)
2. The Appellant obtained a social security number through one of his first employers. (Appellant's testimony)
3. The Appellant realized early on in his working years that the social security number he had was not "good" so he did not use it for employment purposes. He worked for his brother and was under the impression that his taxes were paid under his brother's social security number. (Appellant's testimony)
4. When the Appellant initially applied for benefits with the Department, he stated that he was a U.S. citizen and provided the social security number that he claims he was given by his employer. (Exhibit 4: DEM screen and Exhibit 2: Case Narrative)
5. In [REDACTED] of 2015, the Department learned from the Social Security Administration that the social security number that the Appellant provided was not valid. The Department requested the Appellant's correct social security number. The Appellant contacted the Department and stated that he always

had problems with the number he provided to the Department and previously attempted to resolve the discrepancy. He also stated that he would have to go to Maine to get a copy of his birth certificate. The Department continued his benefits without any further verification pending clarification of his social security number. (Exhibit 2)

6. In [REDACTED] of 2015, the Department again advised the Appellant to obtain verification of his social security number and citizenship. The Department's representative understood the Appellant to state that he had been unsuccessfully trying to obtain his birth certificate from the State of Maine, and therefore provided the Appellant with contact information for the State of Maine Vital Records Division. (Exhibit 2)
7. In [REDACTED] of 2016, the Department once again contacted the Social Security Administration and was advised that it had no record of the Appellant and the social security number that he was using was not valid. The Department also noted that the Appellant's file contained a Canadian identification card. (Exhibit 2)
8. On [REDACTED] 2016, the Appellant visited the Department's Willimantic regional office and reported a change of address. The Department sent the Appellant a W1348-Verification We Need form with a deadline of [REDACTED] 2016, requesting a copy of the Appellant's social security card and verification of U.S. citizenship, as well as proof of his new address. (Exhibit 1: Verification We Need list)
9. The Appellant returned the W1348 Verification We Need form with his handwritten notes indicating that he was working on obtaining citizenship documents from the U.S. and Canada, which would take a while. The Appellant did not include any of the requested documents. (Exhibit 1)
10. On [REDACTED] 2016, the Department contacted the Appellant by telephone regarding the outstanding documents and the Appellant told the Department's representative that he was born in Canada to a mother who was a U.S. citizen, but that he had lost all documents. The Department referred the Appellant to Legal Services for assistance in obtaining verification of his citizenship. (Exhibit 2)
11. On [REDACTED] 2016, Legal Services contacted the Department via email to request an extension until [REDACTED] 2016 to provide the information that had been requested on the W1348-Verification We Need form. (Exhibit 2)
12. On [REDACTED] 2016, the Appellant's Legal Services representative sent the Department the Appellant's Canadian birth certificate, his mother's U.S. birth and baptismal certificates, and an affidavit from the Appellant. The representative requested a thirty day extension to allow her to contact the

U.S. Citizenship and Immigration Services (USCIS) if the Department was not satisfied with the information provided. (Exhibit Y: [REDACTED] [REDACTED] email from [REDACTED] [REDACTED])

13. On [REDACTED] 2016, the Department discontinued the Appellant's HUSKY D Medicaid benefits effective [REDACTED] 2016 because he had not provided the information needed to determine eligibility; specifically he had provided none of the items requested on the Verification We Need form. (Exhibit 5a: Notice of Discontinuance)
14. On [REDACTED] 2016, the Appellant's landlord wrote a letter verifying the Appellant's address. It is not clear when the letter was provided to the Department. (Appellant's Exhibit A: Letter from landlord)
15. On [REDACTED] [REDACTED] 2016, the Appellant submitted his parent's Canadian certificate of marriage, which predates his birth and indicates that his father and his mother are from [REDACTED], Canada. (Exhibit H: Marriage Certificate for Appellant's Parents)
16. On [REDACTED] 2016, the Appellant completed an application form for a social security card. (Exhibit W2: Application for Social Security card) The Appellant's attorney also testified that she submitted this application to the Social Security Administration, but provided no other proof of having done so.
17. On [REDACTED] 2016, staff from the Willimantic branch of the Social Security Administration advised the Department that they had no application on file for either a social security card or SSI benefits for the Appellant. (Department email of [REDACTED] 2016)

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. 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, with all pertinent information and verifications that the Department requires to determine eligibility and calculate the amount of benefits.
3. 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.

4. Uniform Policy Manual (“UPM”) § 3005 provides that an individual must be either a citizen or an eligible non-citizen in order to receive Medicaid.
5. UPM § 3099.04 describes the types of evidence that must be provided to the Department in order to verify an individual’s U.S. citizenship for purposes of establishing his or her eligibility for Medicaid. This section includes certain exclusions from its verification requirements which are not relevant in the present case (see UPM § 3099.04 N.). It also provides for verification of citizenship by matching the individual’s social security number with the Social Security Administration, and permits the Department to provide Medicaid to an applicant while awaiting the results of a match from the Social Security Administration. If a match does not occur, this section requires the Department to continue Medicaid coverage while the individual is afforded a “reasonable opportunity period” (ROP) to demonstrate his or her citizenship using alternative documentation. (See UPM § 3099.04 A. 2-3.) When an individual is required to prove his or her citizenship through alternative means, section 3099.04 sets forth primary (UPM § 3099.04 B.), secondary (UPM § 3099.04 C.), third (UPM § 3099.04 D.) and fourth (UPM § 3099.04 E.) level documents that may be used to prove citizenship. These four levels of documents “shall be accepted, by the Department, only in sequential order, starting with the primary Level and progressing through the fourth Level. The availability of documents in one level shall be exhausted prior to a request for, and submission of, a document in the next level. Such verification shall be required only one time, unless later evidence raises a question about the person’s citizenship or the Department’s prior record is no longer available to the Department.” (UPM § 3099.04 A.1)
6. UPM § 3099.04 M provides that “[i]ndividuals have one 90-day . . . ROP . . . in their lifetimes, during which they are eligible for [Medicaid], to verify their citizenship either through a successful SSA match or by providing documents as set forth in this subsection. This ROP may not be extended for any reason. The 90 days of the ROP do not have to run consecutively. This ROP begins after the Department has made its own reasonable effort to verify citizenship through the SSA match process and the individual receives notification that this process has failed to verify his or her citizenship. If, by the end of the ROP, the SSA match process continues to fail and the individual does not provide the required documentation to establish citizenship, [Medicaid] shall be discontinued for that individual within 30 days after the end of the ROP.”
7. Section 3099.04 of the UPM is based upon the provisions of title 42 of the Code of Federal Regulations (“CFR”) § 435.407 that was in effect prior to the Department’s decision to discontinue the Appellant’s Medicaid coverage on [REDACTED] 2016. (See 42 CFR § 435.407 (effective [REDACTED] 2016, to [REDACTED] 2017) (hereinafter “former 42 CFR § 435.407”).

8. Because the SSA match using the Appellant's social security number failed, the Department should have started a 90-day ROP and explained to the Appellant exactly what documentary evidence was needed to verify his citizenship, as prescribed by UPM § 3099.04 and former 42 CFR § 435.407.
9. Former 42 CFR § 435.407(a) provided that primary evidence that must be accepted as satisfactory documentary evidence of both identity and citizenship includes: "(a) Primary evidence of citizenship and identity. The following evidence must be accepted as satisfactory documentary evidence of both identity and citizenship: (1) A U.S. passport . The Department of State issues this. A U.S. passport does not have to be currently valid to be accepted as evidence of U.S. citizenship, as long as it was originally issued without limitation. (2) A Certificate of Naturalization (DHS Forms N-550 or N-570.) Department of Homeland Security issues for naturalization. (3) A Certificate of U.S. Citizenship (DHS Forms N-560 or N-561.) Department of Homeland Security issues certificates of citizenship to individuals who derive citizenship through a parent. (4) A valid State-issued driver's license, but only if the State issuing the license requires proof of U.S. citizenship before issuance of such license or obtains a social security number from the applicant and verifies before certification that such number is valid and assigned to the applicant who is a citizen. (This provision is not effective until such time as a State makes providing evidence of citizenship a condition of issuing a driver's license and evidence that the license holder is a citizen is included on the license or in a system of records available to the Medicaid agency. The State must ensure that the process complies with this statutory provision in section 6036 of the Deficit Reduction Act of 2005. CMS will monitor compliance of States implementing this provision.)" (See also UPM § 3099.04 B)
10. Former 42 CFR § 435.407(b) provided for secondary evidence of citizenship and stated in part that "[i]f primary evidence from the list in paragraph (a) of this section is unavailable, an applicant or beneficiary should provide satisfactory documentary evidence of citizenship from the list specified in this section to establish citizenship and satisfactory documentary evidence from paragraph (e) of this section to establish identity, in accordance with the rules specified in this section. **(1)** A U.S. public birth certificate showing birth in one of the 50 States, the District of Columbia, Puerto Rico (if born on or after January 13, 1941), Guam (on or after April 10, 1899), the Virgin Islands of the U.S. (on or after January 17, 1917), American Samoa, Swain's Island, or the Northern Mariana Islands (after November 4, 1986 (NMI local time)). A State, at its option, may use a cross match with a State vital statistics agency to document a birth record. The birth record document may be issued by the State, Commonwealth, Territory, or local jurisdiction. It must have been recorded before the person was 5 years of age. A delayed birth record document that is recorded at or after 5 years of age is considered fourth level evidence of citizenship. **(2)** A Certification of Report of Birth (DS-1350). The

Department of State issues a DS-1350 to U.S. citizens in the U.S. who were born outside the U.S. and acquired U.S. citizenship at birth, based on the information shown on the FS-240. When the birth was recorded as a Consular Report of Birth (FS-240), certified copies of the Certification of Report of Birth Abroad (DS-1350) can be issued by the Department of State in Washington, DC. The DS-1350 contains the same information as that on the current version of Consular Report of Birth FS-240. The DS-1350 is not issued outside the U.S. **(3)** A Report of Birth Abroad of a U.S. Citizen (Form FS-240). The Department of State consular office prepares and issues this. A Consular Report of Birth can be prepared only at an American consular office overseas while the child is under the age of 18. Children born outside the U.S. to U.S. military personnel usually have one of these. **(4)** Certification of birth issued by the Department of State (Form FS-545 or DS-1350). Before November 1, 1990, Department of State consulates also issued Form FS-545 along with the prior version of the FS-240. In 1990, U.S. consulates ceased to issue Form FS-545. Treat an FS-545 the same as the DS-1350. **(5)** A U.S. Citizen I.D. card. (This form was issued until the 1980s by INS. Although no longer issued, holders of this document may still use it consistent with the provisions of section 1903(x) of the Act.) INS issued the I-179 from 1960 until 1973. It revised the form and renumbered it as Form I-197. INS issued the I-197 from 1973 until April 7, 1983. INS issued Form I-179 and I-197 to naturalized U.S. citizens living near the Canadian or Mexican border who needed it for frequent border crossings. Although neither form is currently issued, either form that was previously issued is still valid. **(6)** A Northern Mariana Identification Card (I-873). (Issued by the DHS to a collectively naturalized citizen of the United States who was born in the Northern Mariana Islands before November 4, 1986.) The former Immigration and Naturalization Service (INS) issued the I-873 to a collectively naturalized citizen of the U.S. who was born in the NMI before November 4, 1986. The card is no longer issued, but those previously issued are still valid. **(7)** An American Indian Card (I-872) issued by the Department of Homeland Security with the classification code "KIC." (Issued by DHS to identify U.S. citizen members of the Texas Band of Kickapoos living near the United States/Mexican border.) DHS issues this card to identify a member of the Texas Band of Kickapoos living near the U.S./Mexican border. A classification code "KIC" and a statement on the back denote U.S. citizenship. **(8)** A final adoption decree showing the child's name and U.S. place of birth. The adoption decree must show the child's name and U.S. place of birth. In situations where an adoption is not finalized and the State in which the child was born will not release a birth certificate prior to final adoption, a statement from a State approved adoption agency that shows the child's name and U.S. place of birth is acceptable. The adoption agency must state in the certification that the source of the place of birth information is an original birth certificate. **(9)** Evidence of U.S. Civil Service employment before June 1, 1976. The document must show employment by the U.S. government before June 1, 1976. Individuals employed by the U.S. Civil Service prior to June 1, 1976

had to be U.S. citizens. **(10)** U.S. Military Record showing a U.S. place of birth. The document must show a U.S. place of birth (for example a DD-214 or similar official document showing a U.S. place of birth.) **(11)** a data verification with the Systematic Alien Verification for Entitlements (SAVE) Program for naturalized citizens. A State may conduct a verification with SAVE to determine if an individual is a naturalized citizen, provided that such verification is conducted consistent with the terms of a Memorandum of Understanding or other agreement with the Department of Homeland Security (DHS) authorizing verification of claims to U.S. citizenship through SAVE, including but not limited to provision of the individual's alien registration number if required by DHS. **(12)** Child Citizenship Act. Adopted or biological children born outside the United States may establish citizenship obtained automatically under section 320 of the Immigration and Nationality Act (8 U.S.C. 1431), as amended by the Child Citizenship Act of 2000 (Pub.L. 106-395, enacted on October 30, 2000)." (See also UPM § 3099.04 C)

11. Former 42 CFR § 435.407(c) provided for third level evidence of citizenship and stated that "[t]hird level evidence of U.S. citizenship is documentary evidence of satisfactory reliability that is used when both primary and secondary evidence are unavailable. **Third level evidence may be used only when the applicant or beneficiary alleges being born in the U.S.**" (Emphasis added)
12. Former 42 CFR § 435.407(d) provided for fourth level evidence of citizenship and stated that "[f]ourth level evidence of citizenship is documentary evidence of the lowest reliability. Fourth level evidence should only be used in the rarest of circumstances. This level of evidence is used only when primary, secondary and third level evidence is unavailable. **With the exception of the affidavit process described in paragraph (d)(5) of this section, the applicant may only use fourth level evidence of citizenship if alleging a U.S. place of birth.** In addition, a second document establishing identity must be presented as described in paragraph (e) of this section." (Emphasis added) (See also UPM § 3099.04 E)
13. Former 42 CFR § 435.407(d)(5) provided that two written affidavits are acceptable fourth level evidence of citizenship, and states that the "[a]ffidavits should ONLY be used in rare circumstances. If the documentation requirement needs to be met through affidavits, the following rules apply: **(i)** there must be at least two affidavits by two individuals who have personal knowledge of the event(s) establishing the applicant's or beneficiary's claim of citizenship (the two affidavits could be combined in a joint affidavit). **(ii)** At least one of the individuals making the affidavit cannot be related to the applicant or beneficiary. Neither of the two individuals can be the applicant or beneficiary. **(iii)** In order for the affidavit to be acceptable the persons making them must be able to provide proof of their own citizenship and identity. **(iv)** If the individual(s) making the affidavit has (have) information which explains

why documentary evidence establishing the applicant's claim or citizenship does not exist or cannot be readily obtained, the affidavit should contain this information as well. **(v)** The State must obtain a separate affidavit from the applicant/Beneficiary or other knowledgeable individual (guardian or representative) explaining why the evidence does not exist or cannot be obtained. **(vi)** The affidavits must be signed under penalty of perjury and need not be notarized." (See also UPM § 3099.04 E 5)

14. The Department incorrectly discontinued the Appellant's HUSKY medical assistance benefits for failing to provide documentation of citizenship because it had not advised him of the available options for providing such documentation. Of particular concern, the Department failed to advise the Appellant that he had the option to provide written affidavits (as specified in COL #13) as acceptable fourth level evidence of his U.S. citizenship if all other forms of documentation were unavailable.
15. UPM § 3505.05 A provides that "[a]n individual must disclose or apply for a Social Security Number . . . as a mandatory eligibility requirement for every member of the assistance unit."
16. UPM § 3505.05 E provides that "[a]ssistance is not delayed pending confirmation or assignment of a Social Security Number, **unless there is a discrepancy between a number given and other information available to the Department and the individual fails to cooperate in resolving the discrepancy.**" (Emphasis added)
17. UPM § 3505.15 A provides that if an individual has never had a social security number or there exists a discrepancy between the number given and information from other sources available to the Department an individual must complete an application for a social security number as a condition of eligibility.
18. UPM § 3505.15 B provides that "[t]he assistance unit is responsible for ensuring that Social Security Number applications are filed with the Social Security Administration."
19. The Department incorrectly discontinued the Appellant's Medical benefits under the HUSKY program because it did not advise him that he had to apply for a social security number when he was unable to reconcile the discrepancy between the number he provided and the failed match with the Social Security Administration, or provide another number.

DISCUSSION

When the Appellant initially applied for benefits, he provided a social security number to the Department and stated and certified on his application that he was

a U.S. citizen. When the Department attempted to verify the Appellant's social security number by computer matching, it learned that the information provided was not accurate. At that point, the Department should have (1) advised the Appellant that he needed to apply for a social security number if he could not otherwise provide a valid number, and (2) started a 90-day ROP and advised the Appellant of all the ways in which he could verify his citizenship through documentary evidence, as outlined in UPM § 3099.04 and former 42 CFR § 435.407. Although, the Department continued the Appellant's benefits and, in [REDACTED] of 2015, asked the Appellant to obtain verification of his U.S. citizenship and social security number, there is no indication that the Department explained the various types of documentary evidence that was acceptable to prove his citizenship or told him he should apply for a social security number if he could not provide a valid one. This is particularly problematic because, while the information currently before the undersigned suggests that the Appellant is awaiting a determination from USCIS about whether he is entitled to a Certificate of Citizenship (which, if issued, would qualify as primary documentary evidence of his citizenship), the Department did not make him aware of the other acceptable options for verifying his citizenship, including the fourth level option of "last resort," two affidavits that satisfy certain specifications and attest to his citizenship.

The undersigned acknowledges the Appellant's argument that, based on the specific language in the UPM, he should be considered a U.S. citizen merely because he has proven that his mother was born in the U.S. by submitting her U.S. birth certificate. Specifically, Appellant notes that section 3005.06.A.6.a of the UPM indicates that an individual should be considered a U.S. citizen if he or she "meets a specific INS [now USCIS] condition for citizenship as applicable, such as, but not limited to . . . an individual born in a foreign country when at least one parent is a United States citizen." He contends that he has submitted evidence that he was born in Canada to a mother who was a U.S. citizen, and that he therefore qualifies as a U.S. citizen under this UPM provision. The key element that must be satisfied pursuant to this provision, however, is that an individual satisfies a specific USCIS condition for citizenship. As the Appellant's legal counsel freely acknowledges in her brief, applicable federal law concerning derivative citizenship actually requires not just birth to a U.S. citizen parent outside the geographical limits of the United States, but a showing that such parent was physically present in the United States for a requisite period of time prior to the birth of the person claiming derivative citizenship. See Appellant's [REDACTED] 2016, Brief at p. 2 (citing the current and former version of 8 USC § 1401).

The undersigned concludes that the Department incorrectly discontinued the Appellant's Medicaid benefits in [REDACTED] of 2016 because it failed to advise the Appellant that he was required to apply for a Social Security Number, and failed to advise him of the specific, acceptable documents that he could submit to

verify his U.S. citizenship. As the Appellant elected to continue Medicaid benefits pending the hearing decision, he was not harmed by the Department's decision.

The undersigned notes that, during the pendency of this fair hearing appeal, federal regulations concerning verification of citizenship and identity in the Medicaid program, including 42 CFR § 435.407, were amended. Notably, the four-level approach to documentary evidence sufficient to prove citizenship has been replaced by a simplified approach. The new regulation lists documents that constitute stand-alone evidence of citizenship, including a Certificate of Citizenship, and other evidence of citizenship that may be produced, along with acceptable documentary evidence of identity, to prove citizenship in the event that stand-alone evidence is unavailable. The amended regulation now requires only one affidavit, subject to certain specifications, when all other acceptable documentation concerning citizenship is unavailable. These new provisions became effective on [REDACTED] 2017, and should therefore be consulted by the Department and the Appellant's counsel on remand.

DECISION

The Appellant's appeal is **REMANDED BACK TO THE DEPARTMENT FOR FURTHER ACTION CONSISTENT WITH THIS DECISION.**

ORDER

Because the Department did not previously advise the Appellant regarding the specific types of documentary evidence that he may submit to prove his citizenship, on remand the Department shall inform the Appellant of the acceptable documents he may submit and begin a formal 90-day ROP in accordance with the provisions of 42 CFR § 435.956. The Appellant may produce any acceptable documentation during this ROP. If, at any time, USCIS makes a determination on the Appellant's application for a Certificate of Citizenship, the Appellant must inform the Department of such determination within ten days.

The Department shall also give the Appellant an opportunity to provide documentation that he has an application pending with the SSA for a Social Security number.

Compliance with this order is due by [REDACTED] 2016 and shall consist of proof that the Department has issued a W1348 Verification We Need form requesting acceptable documents with which to verify the Appellant's citizenship and that he has applied for a Social Security number.

Maureen Foley-Roy
Maureen Foley-Roy,
Hearing Officer

CC: Tonya Cook-Beckford Operations Manager, DSS, Willimantic
Sara Hart, Hearing Liaison, DSS, Willimantic
Marc Shok, Director, Eligibility Policy, DSS, Central Office
Graham Shaffer, DSS Staff Attorney, Central Office
Fran Kula, DSS, PAC, Central Office
Atty [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.