

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

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

CL ID # ██████████  
Request ID #802032

**NOTICE OF DECISION**

**PARTY**

██████████  
████████████████████  
████████████████████

**PROCEDURAL BACKGROUND**

On ██████████ 2016, the Department of Social Services (the "Department"), issued a Notice of Discontinuance to ██████████ (the "Appellant") discontinuing her Medicare Savings Program benefits.

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

On ██████████ 2016, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for ██████████ 2017.

On ██████████ 2017, 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.

The following individuals were present at the hearing:

██████████ the Appellant  
██████████ the Appellant's daughter and translator  
Lucy Potter, Greater Hartford Legal Aid, Appellant's attorney  
Anthony Gulino, Department's Representative  
Scott Zuckerman, Hearing Officer

The hearing record remained open for the submission of additional evidence by the Appellant. On [REDACTED] 2017, the hearing record closed.

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department's discontinuance of the Appellant's Medicare Savings Program benefits was correct.

### **FINDING OF FACTS**

1. The Appellant was born in Portugal on [REDACTED] 1929 and is 87 years old. (Hearing Record)
2. Sometime in 1973, the Appellant came to the United States and received Permanent Resident Status. (Appellant's Testimony)
3. The Appellant was employed from 1973 through 1984 for forty-six social security covered work quarters while a Permanent Resident of the United States. (Appellant's testimony, Exhibit 9: SVES Work History screen)
4. The Appellant receives Social Security retirement benefits from her employment in the United States. (Appellant's testimony, Exhibit 10: SVES Title II Information)
5. Sometime in 1990, the Appellant returned to Portugal to care for her mother. (Appellant's Testimony)
6. The Appellant receives Social Security retirement benefits from her employment in the United States. (Appellant's testimony, Exhibit 10: SVES Title II Information)
7. On [REDACTED] 1994, the Appellant became entitled to Medicare Part A. (Exhibit A: Appellant's Medicare Health Insurance Card)
8. The Appellant lost her status as a Lawful permanent resident while living in Portugal. (Hearing Record)
9. The Appellant visited the United States several times on a visitor's visa subsequent to the loss of Lawful Permanent resident status. (Hearing Record)
10. In 2012, the Appellant returned to live in the United States. (Appellant's testimony)

11. On [REDACTED] 2013, the Appellant was granted Lawful Permanent Resident Status. (Exhibit 5: Department of Homeland Security, SAVE Program, [REDACTED]/16)
12. The Appellant is not a U.S. Citizen (Hearing Record)
13. Effective [REDACTED] 2014, the Appellant is a recipient of Medicare Part B. (Exhibit A: Medicare Health Insurance Card)
14. On [REDACTED] 2016, the Department granted the Appellant benefits through the Medicare Savings Program effective [REDACTED] 2016. (Exhibit 2: Case Narrative, [REDACTED]/16)
15. On [REDACTED] 2016, the Department discontinued the Appellant's Additional Low Income Beneficiary for the reason, "there are no eligible people, they are not US Citizens or eligible Aliens. (Exhibit 7: Notice of Discontinuance, [REDACTED]/16)
16. On [REDACTED] 2017, an administrative hearing was conducted. The Appellant's representative requested the hearing record remain open for the submission of additional evidence. (Hearing Record)
17. On [REDACTED] 2017, the Department granted the Appellant's Medicare Savings Plan Qualified Medicare Beneficiaries coverage effective [REDACTED] 2016 through [REDACTED] 2017 (Hearing Record)

### **CONCLUSION OF LAW**

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of Social Services to administer the Medicaid program.
2. Uniform Policy Manual ("UPM") § 2540.94 (A) (1) a and b provides for coverage group description of the Qualified Medicare Beneficiaries and states that this group includes individuals who are entitled to hospital insurance benefits under part A of the Title XVIII of the Social Security Act and have income and assets equal to or less than the limits.
3. UPM § 2540.01 D provides for the technical and procedural requirements for medical assistance and states that unless otherwise stated in particular coverage group requirements, all individuals must meet the MA technical and procedural requirements to be eligible for Medicaid.
4. UPM § 1570.05(B) provides that subject to the conditions described in this chapter, the requester has the right to a Fair Hearing if: (1) the Department denies the assistance unit's application for benefits.

5. UPM § 1570.05(C)(2) provides that the Department denies or dismisses a request for a fair hearing if the requester or his or her representative withdraws the request in writing.
6. The Appellant did not withdraw her request for a hearing in writing.
7. The Appellant's appeal is moot because the Department granted the Appellant's Medicare Savings Plan, QMB benefits effective [REDACTED] 2016 through [REDACTED] 2017.

**DECISION**

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

*Scott Zuckerman*  
Scott Zuckerman  
Hearing Officer

PC: Musa Mohamud, Operations Manager, DSS, Hartford Regional Office  
Judy Williams, Operations Manager, DSS, Hartford Regional Office  
Tricia Morelli, Program Manager, DSS, Hartford Regional Office  
Anthony Gulino, Fair Hearing Liaison, DSS, Hartford Regional Office

### **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.