

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 #814764

NOTICE OF DECISION

PARTY

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

REASON FOR HEARING

On ██████████ 2017, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") granting medical benefits under the Medicare Savings Program ("MSP") program effective for ██████████ 2017.

The Appellant requested an administrative hearing to contest the Department's decision of the effective date.

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

The hearing was rescheduled for ██████████ 2017, ██████████ 2017 and ██████████ 2017.

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

On ██████████ 2017, 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
Timika Sanders, Department's representative
Miklos Mencseli, Hearing Officer

STATEMENT OF ISSUE

The issue to be decided is whether the Department's effective date of [REDACTED] 2017 under the Medicare Savings Program was correct.

FINDING OF FACTS

1. The Appellant was actively receiving MSP benefits. (Summary, Hearing Record)
2. The Appellant was due for a redetermination. The Department issued the Appellant a redetermination form. (Hearing Record)
3. The redetermination form was due by the end of [REDACTED] 2017. (Hearing Record)
4. The Appellant submitted the redetermination form timely to the Department. (Exhibit 1: W-1QMBR dated signed and dated [REDACTED]-17, Hearing Record)
5. On [REDACTED] 2017, the Department sent a NOA to the Appellant advising her MSP benefits were approved effective for [REDACTED] 2017 on-going and denied for the month of [REDACTED] 2017. (Exhibit 2: NOA dated [REDACTED]-17, Hearing Record)
6. The Department is aware that its computer system (ImpaCT) incorrectly denied the Appellant's MSP benefit for [REDACTED] 2017. (Hearing Record)
7. The Appellant has provided the Department with documents verifying she did not receive her MSP benefit for [REDACTED] 2017. (Hearing Record)
8. The Department has submitted a ticket (work item) to correct the Appellant's MSP benefits so she can be reimbursed for her [REDACTED] 2017 Medicare part B payment. (Hearing Record)

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 Appellant submitted her completed redetermination form timely.
9. The Department incorrectly denied the Appellant MSP benefits for the month of [REDACTED] 2017

DISCUSSION

The Department incorrectly denied MSP benefits for the month of [REDACTED] 2017. The Appellant submitted her redetermination in a timely manner. The Department while converting to a new computer system incorrectly denied [REDACTED] 2017.

DECISION

The Appellant's appeal is GRANTED.

ORDER

1. The Department is ordered to grant the Appellant's MSP benefits for [REDACTED] 2017.
2. No later than [REDACTED] 2017, the Department will provide to the undersigned proof of compliance with this order.



Miklos Mencseli
Hearing Officer

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

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.