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

2021 Signature Confirmation

Case ID Client ID 169381

#### **NOTICE OF DECISION**

#### **PARTY**

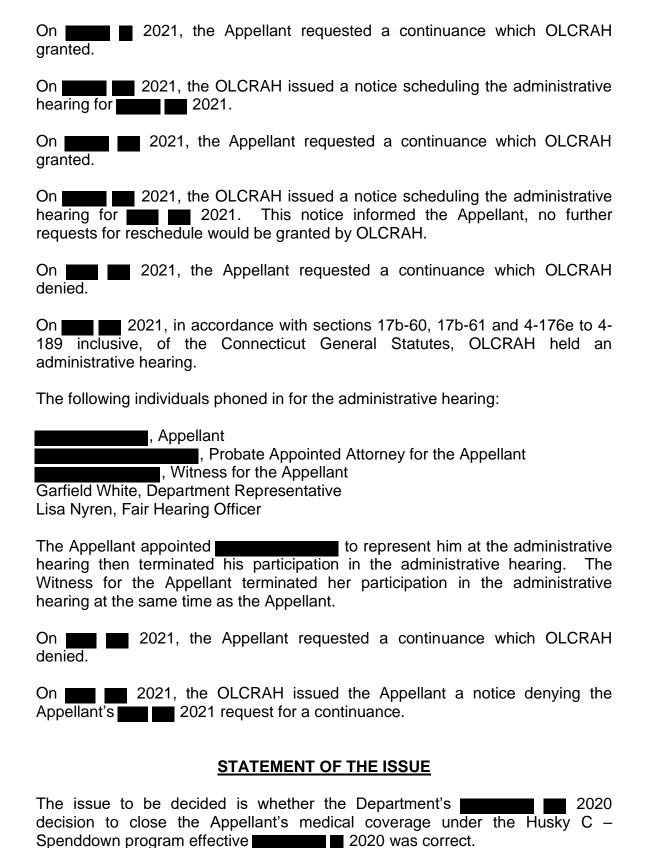


hearing for 2021.

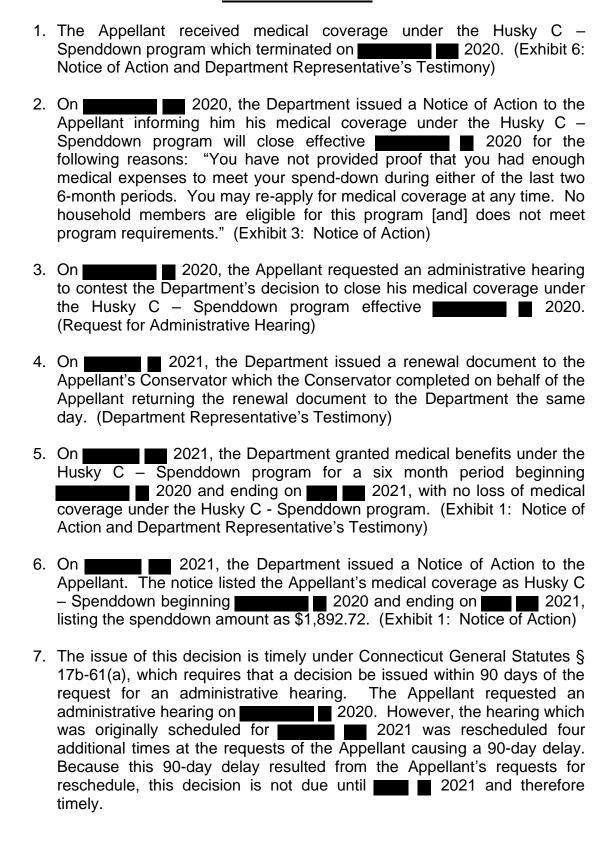
## PROCEDURAL BACKGROUND

On I ■ 2020, the Department of Social Services (the "Department") (the "Appellant") a Notice of Action ("NOA) closing his medical coverage under the Husky C - Medically Needy Aged, Blind, Disabled -Spenddown ("Husky C – Spenddown") program effective 2020. On 2020, the Appellant requested an administrative hearing to contest the Department's decision to close such benefits. 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for 2021. ■ 2021, the Appellant requested a continuance which OLCRAH On [ granted. ■ 2021, the OLCRAH issued a notice scheduling the administrative hearing for 2021. ■ 2021, the Appellant requested a continuance which OLCRAH On 📉 granted.

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#### FINDINGS OF FACT



### **CONCLUSIONS OF LAW**

- Section 17b-2(6) of the Connecticut General Statutes states that the Department of Social Services is designated as the state agency for the administration of the Medicaid program pursuant to Title XIX of the Social Security Act.
- 2. The department's uniform policy manual is the equivalent of a state regulation and, as such, carries the force of law." *Bucchere v. Rowe, 43* Conn. Supp. 175, 178 (1994) (citing Conn. Gen. Stat, § 17b-10; *Richard v. Commissioner of Income Maintenance, 214 Conn. 601, 573 A.2d 712(1990))*
- 3. Uniform Policy Manual ("UPM") § 1570.25(C)(2)(k) provides for the Administrative Duties of Fair Hearing Official. The Fair Hearing official renders a Fair Hearing decision in the name of the Department, in accordance with the Department's policies and regulations. The Fair Hearing decision is intended to resolve the dispute.

UPM § 1570.25(F)(2)(a) provides for <u>Matters Considered at the Fair Hearing.</u> The Department must consider several types of issues at an administrative hearing, including the following: eligibility for benefits in both initial and subsequent determinations.

On 2021, the Department issued the Appellant's Conservator a renewal document which was completed and returned by the Appellant's Conservator. On 2021, the Department approved medical coverage under the Husky C – Spenddown program effective 2020 through 2021, thus the Appellant has not experienced any loss of medical coverage under the Husky C – Spenddown program.

The Appellant's hearing issue, the closure of medical coverage under the Husky C – Spenddown program effective 2020, has been resolved; therefore, there is no issue on which to rule. "When actions of the parties themselves cause a settling of their differences, a case becomes moot." McDonnell v. Maher, 3 Conn. App. 336 (Conn. App. 1985), citing, Heitmuller v. Stokes, 256 U.S. 359, 362-3, 41 S.Ct. 522, 523-24, 65 L.Ed. 990 (1921).

The issue for which the Appellant had originally requested the hearing has been approved; there is no practical relief that can be afforded through an administrative hearing.

## **DISCUSSION**

| The Appellant requested an administrative hearing after being notified his       |
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| medical coverage under the Husky C - Spenddown program would expire on           |
| 2020. The Department issues renewal notices and documents to                     |
| recipients of benefits administered by the Department to complete and return     |
| when a redetermination of eligibility for benefits is to be conducted by the     |
| Department. Based on the hearing record, the Department did not make a           |
| request for redetermination nor issue renewal documents to the Appellant or his  |
| Conservator. Instead, the Department closed the Appellant's medical benefits.    |
| Under Department Medicaid policy, the Department may authorize benefits for a    |
| specific period of time and inform the recipient in writing at the time of       |
| authorization that benefits would automatically terminate when the time period   |
| ends. The hearing record is void of any record of an initial notice of Husky C - |
| Spenddown eligibility. However, the issue regarding the closure of medical       |
| benefits under the Husky C – Spenddown program effective 2020                    |
| was voided by the Department upon the Department's 2021 action to                |
| issue a renewal document to the Appellant's Conservator and the Department's     |
| 2021 action to grant medical coverage under the Husky C -                        |
| Spenddown program effective 2020, with no loss of medical                        |
| coverage. The Appellant continues medical coverage under the Husky C -           |
| Spenddown program with no loss of medical coverage under such program.           |

# **DECISION**

The Appellant's appeal is dismissed as moot.

Lisa A. Nyren Fair Hearing Officer

CC:

Musa Mohamud, DSS RO #10 Judy Williams, DSS RO #10 Jessica Carroll, DSS RO #10 Jay Bartolomei, DSS RO #10 Garfield White, DSS RO #10

#### 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, 165 Capitol Avenue, 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.