

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

██████████ 2022
Signature Confirmation

██████████
██████████
Request # 188349

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████, (the “Appellant”) notifying her that she was approved for Medicaid benefits under the HUSKY C – Working Disabled (“Working Disabled”) program through ██████████ 2021, with a \$0.00 monthly premium.

On ██████████ 2022, the Appellant requested an administrative hearing to contest the difficulty she’s had with the renewal process.

On ██████████, 2022, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2022.

On ██████████, 2022, 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 participated in the hearing:

██████████, Appellant
Althea Forbes-Francis, Department’s Representative
Carla Hardy, Hearing Officer

Due to the COVID-19 Pandemic, the hearing was conducted as a telephonic hearing.

The hearing record remained open for the Appellant and the Department to submit additional evidence. The Appellant and the Department submitted additional documents. The hearing record closed on [REDACTED] 2022.

STATEMENT OF THE ISSUE

The issue is whether the Department was correct when it notified the Appellant that she was eligible for the Working Disabled program through [REDACTED] 2021.

FINDINGS OF FACT

1. On [REDACTED] 2021, the Department mailed the Appellant a Notice of Renewal for her Working Disabled program. (Appellant's After Exhibit J: Notice or Renewal of Eligibility, [REDACTED]/21)
2. The Appellant's eligibility certification period ran from [REDACTED] 2021, through [REDACTED] 2021. (Exhibit AA; Appellant's Testimony)
3. On [REDACTED] 2021, the Department received the Appellant's Renewal document for the Working Disabled program. (Appellant's After Exhibit L: Online Application, [REDACTED]21; Hearing Summary)
4. On [REDACTED] 2021, the Department processed the Appellant's renewal for the MSP-Qualified Medicare Beneficiaries program but did not process the renewal for the Working Disabled. (Hearing Record)
5. The Department did not discontinue the Appellant's Working Disabled program. The Working Disabled programs remains active as of the date of this hearing. (Department's Testimony)
6. The Appellant did not receive a notice discontinuing her Working Disabled program. (Appellant's Testimony)
7. On [REDACTED], 2022, the Department requested the Appellant supply proof of her retirement account balance and her self-employment. (Exhibit 2: Proofs We Need, [REDACTED]/22)
8. The Appellant submitted her 2020 Income Tax Return and proof of her \$0.00 balance in her 401(k) account. (Appellant's Testimony)
9. On the date of the hearing, the Department completed the Appellant's Working Disabled renewal. She was determined to be eligible for the program through [REDACTED] 2022. (After Hearing Exhibit 6: NOA, [REDACTED]/22)

10. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within 90 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED], 2022. Therefore, this decision is due not later than [REDACTED] 2022. However, the hearing which had anticipated to close on [REDACTED] 2022, did not close until [REDACTED] 2022, which caused a two-day delay. Therefore, this decision is not due until [REDACTED] 2022, and is therefore timely.

CONCLUSIONS OF LAW

1. Section 17b-260 of the Connecticut General Statutes provides 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 that 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) provides that the Department considers the following issues: (1) an action by the Department or failure by the Department to act, within the appropriate time limits described in this section, on the application for benefits, including: a) undue delay in reaching a decision on eligibility or in providing benefits; and b) refusal to consider a request for or undue delay in making an adjustment in the amount of benefits; and c) discontinuance, termination, or reduction of benefits. (2) decisions by the Department regarding: a) eligibility for benefits in both initial and subsequent determinations.

The Appellant did not suffer a break in Medicaid coverage.

The Department approved the Appellant’s HUSKY C – Working Disabled Medicaid effective [REDACTED] 2022.

The Appellant’s hearing issue regarding the delay with the Department completing her Working Disabled renewal has been resolved.

The Appellant’s hearing issue has been resolved. Therefore, there is no issue on which to rule. “When the 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 service which the Appellant had originally requested has been approved; there is no practical relief that can be afforded through an administrative hearing.

DECISION

The Appellant's appeal is **DISMISSED** as moot.

Carla Hardy
Hearing Officer

Pc: Patricia Ostroski, Operations Manager; Althea Forbes-Frances, Hearing Liaison,
Department of Social Services, New Britain

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, 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.