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

2024 Signature Confirmation

Client ID

Case ID

Request # 229819

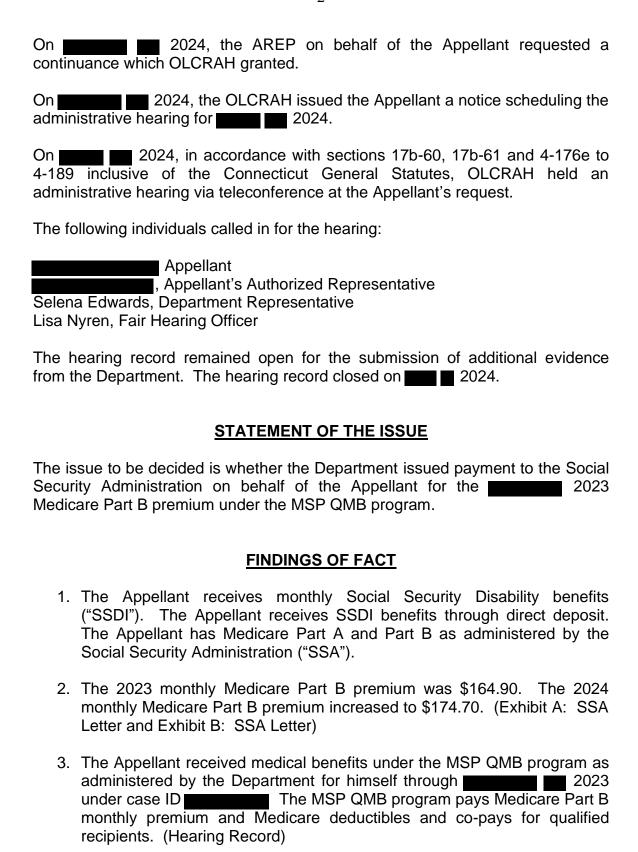
NOTICE OF DECISION

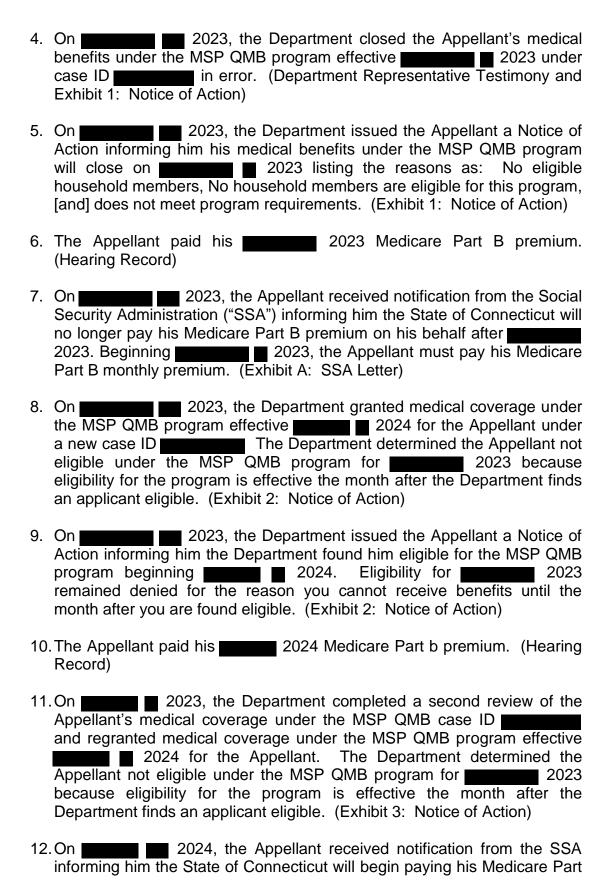
PARTY

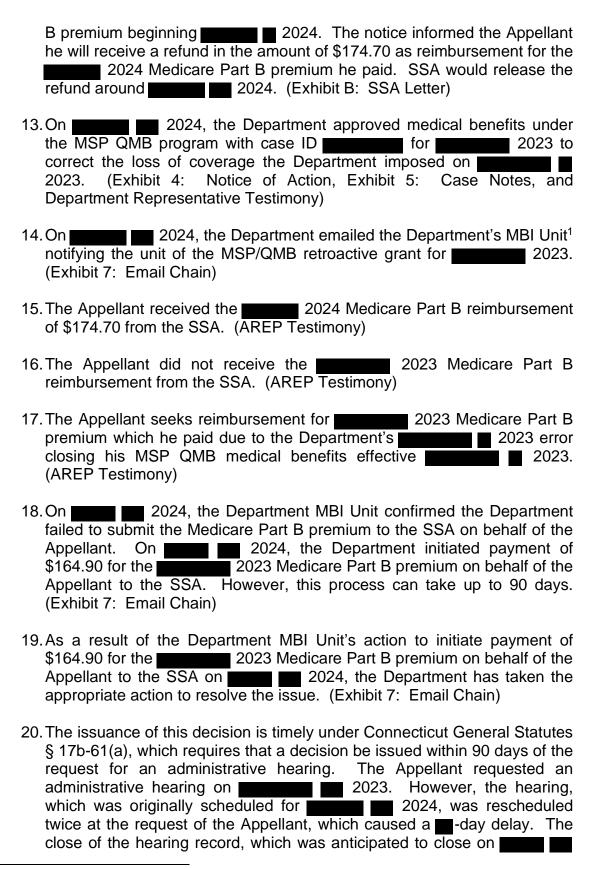


PROCEDURAL BACKGROUND

On 2023, the Department of Social Services (the "Department") sent (the "Appellant") a Notice of Action ("NOA) closing his medical benefits under the Medicare Savings Program (MSP) Qualified Medicare Beneficiaries ("QMB") effective 2023.
On 2002 2023, the Appellant requested an administrative hearing to contest the Department's decision to discontinue such benefits.
On 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for 2024.
On 2024, AREP"), the Appellant's authorized representative, contacted OLCRAH and withdrew the Appellant's hearing request because the Department informed her the Appellant's medical benefits would be reinstated effectively resolving the issue.
On 2024, the AREP contacted OLCRAH on behalf of the Appellant to request a continuance because the Department failed to resolve the issue. OLCRAH approved a continuance.
On 2024, the OLCRAH issued a notice scheduling the administrative hearing for 2024.







¹ Medicare Beneficiary Identifier

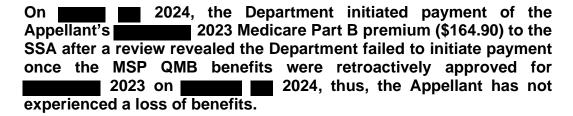
2024 did not close for the admission of evidence until 2024. Because this decision is not due until 2024, and therefore timely.

CONCLUSIONS OF LAW

1. Section 17b-2(6) of the 2024 Supplement to the Connecticut General Statutes provides as follows:

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.

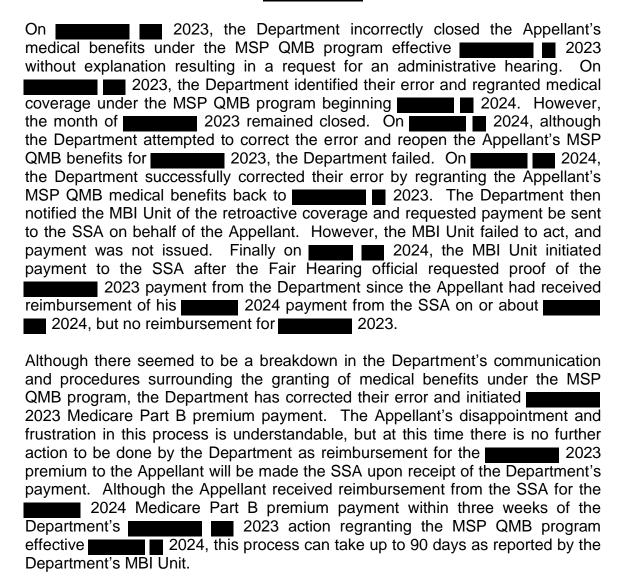
- 2. "The department's uniform policy manual is the equivalent of a state regulation and, as such, carries the force of law." *Bucchere v. Rowe, 43* Conn. Supp. 175, 178 (1994) (citing Conn. Gen. Stat, § 17b-10; *Richard v. Commissioner of Income Maintenance,* 214 Conn. 601, 573 A.2d 712(1990))
- 3. "The Fair Hearing official determines the issue of the hearing." Uniform Policy Manual ("UPM") § 1570.25(C)(2)(c)
- 4. "The Department considers the following issues: 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: undue delay in reaching a decision on eligibility or in providing benefits." UPM § 1570.25(F)(1)(a)
- 5. "The Fair Hearing official renders a Fair Hearing decision in the name of the Department, in accordance with the criteria in this chapter, to resolve the dispute." UPM § 1570.25(C)(2)(k)



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 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



DECISION

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

<u>Lísa A. Nyren</u> Lisa A. Nyren Fair Hearing Officer

CC: Theresa Deangelis, SSOM RO #52 Nicole Matos, SSOM RO #52 Selena Edwards, FHL #52

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.