

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

██████████ 2024  
Signature confirmation

Case: ██████████  
Client: ██████████  
Request: 243659

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████, 2024, the Department of Social Services (the “Department”) issued a *Notice of Action* to ██████████ (the “Appellant”) denying his HUSKY-C Medicaid (“HUSKY-C”) application.

On ██████████ 2024, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received the Appellant’s ██████████ 2024 postmarked hearing request.

On ██████████ 2024, the OLCRAH scheduled the administrative hearing for ██████████ 2024.

On ██████████, 2024, in accordance with sections 17b-60, 17b-61, and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, the OLCRAH held an administrative hearing by telephone conferencing. The following individuals participated:

██████████, Appellant  
Javier Rivera, Department Representative  
Omar 10761, Language Link Interpreter  
Eva Tar, Hearing Officer

On ██████████ 2024, the hearing record closed.

**STATEMENT OF ISSUE**

The issue is whether the Department correctly determined that Appellant was ineligible for HUSKY-C coverage.

### FINDINGS OF FACT

1. The Appellant is not a citizen of the United States. (Appellant Testimony)
2. In 2017, the Appellant entered the United States under a visitor visa. (Appellant Testimony)
3. In late 2017, six months after the Appellant entered the United States, his visitor visa expired. (Appellant Testimony)
4. In ██████ 2024, the Appellant interviewed with U.S. Citizenship and Immigration Services (USCIS) to apply for a green card.<sup>1</sup> (Appellant Testimony)
5. On ██████ 2024, the Appellant filed a HUSKY-C application with the Department. (Dept. Exhibits 4 and 6)
6. On the ██████ 2024 HUSKY-C application, the Appellant stated that his Social Security Number was ██████ (the “reported SSA number”). (Dept. Exhibit 6)
7. The Appellant does not receive Social Security benefits. (Appellant Testimony)
8. On ██████, 2024, the Appellant represented to the Department that he was an undocumented alien. The Appellant did not disclose an alien registration identification number on his HUSKY-C application. (Dept. Exhibits 3 and 6)
9. On or before ██████, 2022, the Appellant began working intermittently for ██████ for \$16 per hour for varying hours per week under the reported SSA number. His most recent rehire date for that employer was ██████ 2024. (Dept. Exhibit 7)
10. On ██████ 2024, the Appellant began working for ██████ for \$18 per hour, 32 hours per week under the reported SSA number. (Dept. Exhibit 7)
11. On ██████ 2024, the Department issued a *Notice of Action* denying the Appellant’s participation in the HUSKY-C coverage group. (Dept. Exhibit 4)
12. In ██████ 2024, the Appellant remained employed at his two employers. (Dept. Exhibit 7)
13. Connecticut General Statutes § 17b-61 (a) provides: “The Commissioner of Social Services or the commissioner's designated hearing officer shall ordinarily render a final decision not later than ninety days after the date the commissioner receives a request for a fair hearing pursuant to section 17b-60, ....” On ██████ 2024, the OLCRAH received the Appellant’s hearing request. This hearing decision would have become due by no later than ██████ 2024. This final decision is timely.

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<sup>1</sup> A Permanent Resident Card, generally referred to as a green card, is a document that grants a non-U.S. citizen or foreign national the authority to reside and work in the United States.

## CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes designates the Department as the state agency for the administration of so identified state and federal programs.

“The Commissioner of Social Services may make such regulations as are necessary to administer the medical assistance program....” Conn. Gen. Stat. § 17b-262.

“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)).

**The Department has the authority to administer the Medicaid program in Connecticut and to make necessary regulation.**

2. Section 1505.40 A. 1. of the Department’s Uniform Policy Manual (“UPM”) provides: “Prior to making an eligibility determination the Department conducts a thorough investigation of all circumstances relating to eligibility and the amount of benefits.”

**The Department acted within its authority to review the Appellant’s ██████████ 2024 HUSKY-C application to determine whether the Appellant met the program’s criteria.**

3. Section 17b-257a (a) of the Connecticut General Statutes provides:  
Qualified aliens, as defined in Section 431 of Public Law 104-193, admitted into the United States prior to August 22, 1996, shall be eligible for Medicaid provided other conditions of eligibility are met. Qualified aliens admitted into the United States on or after August 22, 1996, shall be eligible for Medicaid subsequent to five years from the date admitted, except if the individual is otherwise qualified for the purposes of state receipt of federal financial participation under Title IV of Public Law 104-193, such individual shall be eligible for Medicaid regardless of the date admitted.  
Conn. Gen. Stat. § 17b-257a (a).

“An individual must be either a citizen or an eligible non-citizen in order to receive benefits from any program. This chapter describes those individuals who are citizens and eligible non-citizens.” UPM § 3005.

**As a condition of participation in the HUSKY-C program, the Appellant had to be a qualified alien, as described in Public Law 104-193, i.e., the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).**

4. Section 3005.08 B. of the Uniform Policy Manual provides the qualified alien criteria associated with the HUSKY-C program for eligible non-citizens arriving in the U.S. on or after 8/22/1996. This citation provides:  
An eligible non-citizen is one who arrives in the U.S. on or after August 22, 1996 and:
  1. is admitted to the U.S. as a refugee under section 207 of the Immigration and Nationality Act; or
  2. is granted asylum under section 208 of such act; or

3. whose deportation is being withheld under section 243(h) of such act (as in effect immediately before the effective date of section 307 of division C of Public Law 104-208) or section 241(b)(3) of such act (as amended by section 305(a) of division C of Public Law 104-208); or
4. is lawfully residing in the state and is:
  - a. a veteran (as defined in section 101, 1101, or 1301, or as described in section 107 of title 38, United States Code) with a discharge characterized as an honorable discharge and not on account of alienage and who fulfills the minimum active-duty service requirements of section 5303A(d) of title 38 U.S.C.; or
  - b. on active duty (other than active duty for training) in the Armed Forces of the United States; or
  - c. the spouse or unmarried dependent child of an individual described in subparagraph a or b or the unremarried surviving spouse of a deceased individual described in subparagraph a or b if the marriage fulfills the requirements of section 1304 of title 38, U.S.C.; or
5. is granted status as a Cuban and Haitian entrant under section 501 (e) of the Refugee Education Assistance Act of 1980; or
6. is admitted to the U.S. as an Amerasian immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101 (e) of Public Law 100-202 and amended by the 9th proviso under MIGRATION AND REFUGEE ASSISTANCE in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, Public Law 100-461, as amended); or
7. is an American Indian born in Canada to whom the provisions of section 289 of the Immigration and Nationality Act apply; or
8. is a member of an Indian tribe under section 4 (e) of the Indian Self-Determination and Education Assistance Act; or
9. is receiving SSI; or
10. has lawfully resided in the U.S. for at least five years and:
  - a. is lawfully admitted to the U.S. for permanent residence under the Immigration and Nationality Act; or
  - b. is paroled into the U.S. under section 212 (d) of such act for a period of at least one year; or
  - c. is granted conditional entry pursuant to section 203 (a) (7) of such act as in effect prior to April 1, 1980; or
  - d. has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent, or by a member of the spouse or parent's family living with the non-citizen and the spouse or parent allowed such battery or cruelty to occur, but only if:
    - (1) the Department determines that the battery or cruelty has contributed to the need for medical assistance; and
    - (2) the non-citizen has been approved or has an application pending with the INS under which he or she appears to qualify for:
      - (a) status as a spouse or child of a U.S. citizen pursuant to clause (ii), (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act; or
      - (b) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of such act; or

- (c) suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such act; or
  - (d) status as a spouse or child of a U.S. citizen pursuant to clause (i) of section 204(a)(1)(A) of such act, or classification pursuant to clause (i) of section 204(a)(1)(B) of such act; and
  - (3) the individual responsible for such battery or cruelty is not presently residing with the person subjected to such battery or cruelty; or
  - e. is a non-citizen whose child has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the non-citizen (without the active participation of the non-citizen in the battery or cruelty), or by a member of the spouse or parent's family living with the non-citizen and the spouse or parent allowed such battery or cruelty to occur, but only if the criteria in subparagraph d (1), (2) and (3) above are met; or
  - f. is a non-citizen child living with a parent who has been battered or subjected to extreme cruelty in the U.S. by that parent's spouse or by a member of the spouse's family living with the parent and the spouse allowed such battery or cruelty to occur, but only if the criteria in subparagraph d (1), (2) and (3) above are met; or
11. is lawfully residing in the United States and who was a member of a Hmong or Highland Laotian Tribe at the time that tribe rendered assistance to United States personnel during the Viet Nam era. The individual's spouse, surviving spouse and unmarried dependent children are also eligible.

UPM § 3005.08 B.

**The Appellant's circumstances as represented to the Department in conjunction with his [REDACTED] 2024 HUSKY-C application do not reach the criteria set at UPM § 3005.08 B.**

**For the purposes of the HUSKY-C program, the Appellant is not a qualified alien.**

5. "Non-citizens Eligible Due to a Medical Emergency. A non-citizen who does not fall into one of the categories listed in [UPM § 3005.08] A or B is eligible for MA [Medicaid] only to cover an emergency medical condition and only if the non-citizen is otherwise eligible for Medicaid." UPM § 3005.08 C.

**As the Appellant is not a qualified alien as defined at UPM § 3005.08 B., he would only be eligible to receive HUSKY-C coverage with respect to an emergency medical condition and only under the circumstance where he met the financial and technical requirements of the HUSKY-C program.**

**The Department correctly determined that Appellant was ineligible for HUSKY-C coverage, as the Appellant is not a qualified alien.**

### **DISCUSSION**

Public Law 104-193, also known as the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), permits "qualified aliens" as defined in law to access federal public benefits. Qualified aliens include, but are not limited to, individuals who have been designated by the U.S. Citizenship and Immigration Services (USCIS) as lawful permanent

residents, asylees, and refugees.<sup>2</sup> Holders of Temporary Protected Status (TPS), recipients of Deferred Action for Childhood Arrivals (DACA), temporary visitors, and undocumented foreign nationals do not meet the Federal definition of qualified alien.

The Appellant is not a U.S. citizen. The Appellant entered the United States in 2017 on a visitor visa, and his visitor visa expired six months later.

The Appellant asserts that although he interviewed with USCIS in [REDACTED] 2024, the USCIS has not assigned him an alien registration number or communicated to him that he has been granted permanent residency in the United States as an alien national. The Appellant's testimony as to his lack of alien registration number is problematic, as USCIS would presumably have assigned him an alien registration number as a part of his application for a Permanent Resident Card; his testimony in this instance is not credible.

Regardless, the Appellant's representations to the Department in conjunction with his [REDACTED], 2024 HUSKY-C application and his statements at the [REDACTED] 2024 hearing, if so credited, demonstrate that the Appellant does not meet the limited and strict circumstances under which the Federal government considers a foreign national to be a "qualified alien" for the purposes of receiving public assistance.

The Department's denial of the Appellant's HUSKY-C application is supported by state and Federal statutes and regulations.

#### **DECISION**

The Appellant's appeal is DENIED.

*Eva Tar-electronic signature*  
Eva Tar  
Hearing Officer

cc: Javier Rivera, DSS-Manchester  
Nawaz Shaikh, DSS-Manchester  
Angelica Branfalt, DSS-Manchester

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<sup>2</sup> UPM § 3005.08 B. identifies the eleven (11) categories of qualified aliens with respect to the HUSKY-C program. This citation is included in full in the Conclusions of Law in this Decision.

### **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.