



The Delaware Code (31 Del. C. §520) provides for judicial review of hearing decisions. In order to have a review of this decision in Court, a notice of appeal must be filed with the clerk (Prothonotary) of the Superior Court within 30 days of the date of the decision. An appeal may result in a reversal of the decision. Readers are directed to notify the DSS Hearing Office, P.O. Box 906, New Castle, DE 19720 of any formal errors in the text so that corrections can be made.

**DELAWARE DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SOCIAL SERVICES**

In re:

DCIS No. 0000000000

Ms. Smith

Appearances: Ms. Smith, pro se, Appellant

Gayle King, Sr. Social Worker/Case Manager, Team #312, Division of Social Services

I.

Ms. Smith ("Appellant") opposes a decision by the Division of Social Services ("DSS") to close her Medical Assistance after she did not participate in a case review.

The Division of Social Services ("DSS") contends that the Appellant did not submit documentation so the agency could review her case by the deadline date.

II.

On July 20, 2011, DSS sent the Appellant a Notice to Close Your Medical Assistance, effective July 31, 2011. (Exhibit 3)

On July 28, 2011, the Appellant filed a request for a fair hearing, in which she requested that assistance continue. (Exhibit 2) According to the Fair Hearing Summary dated August 12, 2011, assistance has continued. (Exhibit 1)

The Appellant was notified by certified letter dated September 7, 2011, that a fair hearing would be held on September 26, 2011. The hearing was conducted on that date in Dover, Delaware.

This is the decision resulting from that hearing.

III.

DSS contends that they informed the Appellant in a notice dated June 10, 2011 that her Medical Assistance case was due for review. (Exhibit 4) DSS testified that the Appellant's renewal form was not submitted by the deadline date of July 5, 2011. (Exhibit 4) As a result, DSS testified, the Appellant's medical assistance benefits were automatically closed effective July 31, 2011. (Exhibit 3) DSS testified that due to her request for a fair hearing, the Appellant's medical assistance benefits have continued through the pendency of this hearing.

The Appellant testified that she never received the renewal form notice dated June 10, 2011, although she did receive the July 20, 2011 notice that her benefits would be closed as well as the September 7, 2011 letter notifying her of the fair hearing. The Appellant testified that she is a full-time student at Delaware State University and is not employed. The Appellant testified that she goes to her house everyday as she lives on campus¹. The Appellant testified that she has re-applied for medical assistance benefits since receiving the July 20, 2011 notice. (Exhibit 7) Lastly, the Appellant confirmed that her medical assistance benefits have continued throughout the pendency of this hearing.

Pursuant to Delaware Social Services Manual 14100.6, when a redetermination is due, the recipient is required to complete and return a new DSS application form. Failure to complete and return a DSS application form will result in termination of eligibility. In this case, I note that the June 10, 2011 renewal form was mailed to the same address as the July 20, 2011 and September 7, 2011 notices. While this Hearing Officer does not understand why the Appellant did not receive the renewal notice when she did receive the other two (2) notices, I fully credit the State's testimony that they did not receive the Appellant's completed renewal form by the July 5, 2011 deadline date. As a result, the State has met its burden in their action to close the Appellant's medical assistance benefits.

IV.

For these reasons, the July 20, 2011 decision of the Division of Social Services to close the Appellant's medical assistance benefits is AFFIRMED.

Date: October 20, 2011



MICHAEL L. STEINBERG, J.D.
HEARING OFFICER

THE FOREGOING IS THE FINAL DECISION OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES

October 20, 2011
POSTED

cc: Ms. Smith
Gayle King, DSS, Team #312

¹ Although not specifically stated, presumably the Appellant also checks her mail each day when she returns home from school.

EXHIBITS FILED IN OR FOR THE PROCEEDING

EXHIBIT #1 – Copy of DSS Fair Hearing Summary consisting of two (2) pages dated August 12, 2011.

EXHIBIT #2 – Copy of the Appellant's request for a fair hearing date-stamped July 28, 2011, consisting of one (1) page.

EXHIBIT #3 – Copy of the Notice to Close Your Medical Assistance dated July 20, 2011, consisting of two (2) pages.

EXHIBIT #4 – Copy of the Medical Assistance Renewal Letter dated June 10, 2011, consisting of five (5) pages.

EXHIBIT #5 – Copy of a Delaware Department of Labor Unemployment Insurance Claim History for the Appellant dated August 12, 2011, consisting of one (1) page

EXHIBIT #6 – Copy of a Delaware Department of Labor Wage History for the Appellant dated August 12, 2011, consisting of one (1) page.

EXHIBIT #7 – Copy of an unsigned Application for Cash, Food Stamps, Child Care, and Medical Assistance dated August 12, 2011, consisting of eighteen (18) pages.