



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. Redacted

Redacted Appellant

Appearances: Redacted Appellant , pro se, Appellant

Elisha Taylor, Sr. Social Worker/Case Manager, Division of Social Services

I.

Redacted Appellant ("Appellant") opposes a decision by the Division of Social Services ("DSS") to close her Medical Assistance after she did not to 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 October 20, 2009, DSS sent the Appellant a Notice to Close Your Medical Assistance, effective October 31, 2009. According to the Fair Hearing Summary, the Appellant requested that benefits continue. Ms. Taylor testified that while the Appellant's benefits did continue after recertification, due to an administrative case backlog the Appellant was not "recertified" for the month of November 2009. (Exhibit 1).

On December 18, 2009, the Appellant filed a request for a fair hearing. (Exhibit 2).

The Appellant was notified by certified letter dated January 20, 2010, that a fair hearing would be held on February 2, 2010. The hearing was conducted on that date in Wilmington, Delaware.

This is the decision resulting from that hearing.

III.

DSS contends that they informed the Appellant that her Medical Assistance case was due for review. (See Delaware Social Services Manual (“DSSM”) 14100.6). DSS testified that the Appellant was sent a recertification letter informing her that she needed to return the necessary income information for recertification by October 5, 2009. On October 20, 2009, after the agency had not processed the requested information, the Appellant was sent a letter closing her Medical Assistance because she did not participate in the review process.

The Appellant testified that she completed the renewal form, dated October 5, 2009, and personally submitted it to the agency on that date. Ms. Taylor testified that the agency received the renewal form on that date. However, Ms. Taylor testified that due to an administrative backlog, the Appellant’s renewal form had still not been processed by the closure date of October 31, 2009. When the Appellant received the closing notice from DSS dated October 20, 2009, ending her enrollment in Medicaid, she contacted her social worker. The Appellant testified that her social worker informed her that the Appellant was still covered, and that the closing notice was due to an administrative backlog.

Pursuant to DSSM 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 find that the Appellant did timely complete and return a DSS application form even though that form was not processed in a timely manner. Therefore, the agency’s actions cannot be upheld.

DSS has not met their burden in their action to close the Appellant’s medical assistance benefits.

IV.

For these reasons, the decision of the Division of Social Services is REVERSED and REMANDED to DSS for further consideration consistent with this decision. In addition, her Medical Assistance benefits should be reinstated for the month of November 2009.

Date: February 22, 2010



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MICHAEL L. STEINBERG, J.D.  
HEARING OFFICER

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

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February 22, 2010  
POSTED

cc: Redacted Appellant  
Elisha Taylor, Sr. Social Worker/Case Manager, Division of Social Services

EXHIBITS FILED IN OR FOR THE PROCEEDING

EXHIBIT #1 – Copy of DSS Fair Hearing Summary consisting of two (2) pages date-stamped January 8, 2010.

EXHIBIT #2 – Copy of the Appellant's request for a fair hearing date-stamped December 28, 2009, consisting of one (1) page.