

June 3, 2010

Redacted  
80 Evergreen Drive  
Dover, DE 19901  
On behalf of Redacted

Re: Hearing May 24, 2010 – Redacted - DCIS# Redacted

Dear Ms. Redacted:

I have reviewed the case file in the above-captioned matter and have determined that I do not have jurisdiction to reach the merits of your case. First, the record indicates that you received notice of DMMA's decision to deny Redacted Long Term Care Medicaid on November 20, 2009.

Your appeal of DMMA's Notice to Deny Your Medical Assistance dated November 20, 2009 was dated February 18, 2010 and received by DMMA on February 26, 2010. Even if I analyze the dates from the best possible perspective for your case, I must find that you have not filed your claim within the required 90 days. The time span from November 20, 2009 to February 26, 2010, the date your appeal was received by DMMA, is more than 90 days.

Division of Social Services Manual ("DSSM") 5305.2 addresses a hearing officer's discretion regarding an appellant's time limits for requesting a hearing after an action,

if the client fails to reply within the time limit for a hearing prior to action, as required, the proposed action shall take effect. If (s)he requests a hearing after the action, a hearing shall be granted provided the request is received within 90 days from the effective date of the action. When a request for a hearing is not filed within 90 days of the date notice of an action is given, the hearing officer is without jurisdiction to hear an appeal and the time for taking an appeal will not be enlarged.

This DSSM section is clear and reveals that as a hearing officer I have no jurisdiction if appeals are taken beyond the ninety (90) day limit, as occurred here.

Moreover, because I find that I lack jurisdiction in this matter, I will not be able to address the merits of the case. Accordingly, your request for a hearing made to DMMA is dismissed because the matter was appealed after the ninety (90) day limit and jurisdiction has not been established pursuant to DSSM §5305.2.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Steinberg".

Michael Steinberg, J.D.  
Hearing Officer

cc: Peter Feliceangeli, DOJ  
Kimberly Hovington, Team 330  
Tammy McCabe, Team 330  
Staci Marvel, Team 330