

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

██████████ 2020
Signature Confirmation

Case # ██████████
Client ID # ██████████
Request # 163778

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, 2020, the Department of Social Services (the "Department") notified ██████████ (the "Appellant") that her request for replacement of SNAP benefits due to a storm was denied because the request was not received timely.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the Department's decision to deny such benefits.

On ██████████ ██████████ 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a Notice scheduling the administrative hearing for ██████████, 2020.

On ██████████ 2020, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing. The following individuals were present at the hearing:

██████████, Appellant
Debra James, Department Representative
Almelinda McLeod, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to deny replacement of SNAP benefits due to storm Isaiah was correct.

FINDINGS OF FACT

1. The Appellant is active on SNAP and receives \$110.00 per month as a household of one. (Hearing record)
2. On [REDACTED] 2020, the state of Connecticut was hit with Tropical storm Isaiah. (Hearing record)
3. From [REDACTED] 2020 to [REDACTED] 2020, the Appellant lost power to her home due to Tropical Storm Isaiah. As a result of the storm, the Appellant lost food purchased with her SNAP benefits. (Exhibit B- UI letter dated [REDACTED]/20 and Appellant testimony)
4. The deadline for requesting SNAP replacement benefits was [REDACTED] 2020. [REDACTED] 2020 was a Thursday. (Exhibit 1- Case notes, Field Operations Communications [REDACTED] 2020 and [REDACTED] 2020)
5. On [REDACTED] [REDACTED] 2020, the Department received a request for replacement of the Appellant's SNAP benefits. [REDACTED] 2020 was a Tuesday. (Exhibit 1- Case notes)
6. On [REDACTED] 2020, the Department denied the Appellant's request because she missed the deadline date for requesting replacement of SNAP benefits. (Hearing record)
7. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which states that a decision must be reached and the household notified within 60 days of receipt of a request for a fair hearing. The Appellant requested an administrative hearing on [REDACTED] 2020; therefore, this decision is due not later than [REDACTED] 2020 and is timely.

CONCLUSIONS OF LAW

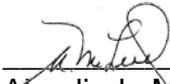
1. Section 17b-2 (7) provides the Department of Social Services is designated as the state agency for the administration of the Supplemental Nutrition Assistance program pursuant to the Food and Nutrition Act of 2008.

2. Title 7 CFR 274.6 (a) (1) pertains to *providing replacement issuance*. Subject to the restrictions in paragraph (a) (3) of this section, State agencies shall provide replacement issuances to a household when the household reports that food purchased with Program benefits was destroyed in a household misfortune.
3. Title 7 CFR 274.6 (a) (3) (i) provides for *replacement restrictions*. Replacement issuances shall be provided only if a household timely reports a loss orally or in writing. The report will be considered timely if it is made to the State agency within 10 days of the date food purchased with Program benefits is destroyed in a household misfortune.
4. Title 7 CFR 274.6 (a) (4) *Household statement of loss*. (i) Prior to issuing a replacement, the State agency shall obtain from a member of the household a signed statement attesting to the household's loss. The required statement may be mailed to the State agency if the household member is unable to come into the office because of age, handicap or distance from the office and is unable to appoint an authorized representative.
5. Field Operations Communications of December 3, 2019 and August 7, 2020 issued general guidance pertaining to the rules regarding replacement of SNAP benefits due to a storm. Clients must report, either orally or in writing, the loss of SNAP benefits within ten (10) days of the date of disaster or misfortune.
6. Title 7 CFR 274.6 (a) (4) (ii) provides if the signed statement or affidavit is not received by the State agency within 10 days of the date of report, no replacement shall be made. If the 10th day falls on a weekend or holiday, and the statement is received the day after the weekend or holiday, the State agency shall consider the statement timely received.
7. **The Appellant did not submit a signed statement requesting SNAP replacement timely to the Department in accordance with the requirements in 7 CFR § 274.6(a)(4).**
8. Title 7 CFR 274.6 (a) (5) *Time limits for making issuance replacements*. (i) Replacement issuances shall be provided to households within 10 days after report of loss or within two (2) working days of receiving the signed household statement required in paragraph (a) (4) of this section, whichever date is later.
9. Field Operations Communications of September 1, 2020 indicated an FNS waiver that extends the reporting of the loss of food from 10 days to 30 days expiring on September 3, 2020.

10. The hearing record shows that the 30th day, [REDACTED] 2020 did not fall on a weekend nor holiday.
11. The Department correctly determined that the Appellant reported loss of food due to Storm Isiah on [REDACTED] 2020 which is after the extended 30 day deadline of [REDACTED] 2020.
12. **The Department correctly determined that the Appellant did not submit a timely request for SNAP replacement to the Department in accordance with the requirements in 7 CFR § 274.6(a)(4).**
13. The Department correctly denied the replacement SNAP benefits as the request was not received timely by the Department.

DECISION

The Appellant's appeal is DENIED



Aimelinda McLeod
Hearing Officer

CC: Rachel Anderson, SSOM, New Haven
Cheryl Stuart, SSOM , New Haven
Lisa Wells, SSOM , New Haven
Debra James, Fair Hearing Liaison, New Haven

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 Legal Counsel, Regulations, and Administrative Hearings, 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, 55 Elm Street, 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 his 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.