

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

██████████, 2019  
Signature Confirmation

Client ID # ██████████  
Request #142350

NOTICE OF DECISION  
PARTY

██████████

PROCEDURAL BACKGROUND

The Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") stating her Supplemental Nutrition Assistance Program ("SNAP") benefits for ██████████ 2019 are zero and \$82.00 for ██████████ 2019.

On ██████████, 2019, the Appellant requested an administrative hearing because disagrees with the amount of her SNAP benefits for ██████████ 2019 and ██████████ 2019.

On ██████████, 2019, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a Notice scheduling the administrative hearing for ██████████, 2019.

On ██████████, 2019, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a Notice rescheduling the administrative hearing for ██████████, 2019.

On ██████████ 2019, in accordance with sections 17b-60, 17b-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  
Daphne Harris, Department Representative  
Miklos Mencseli, Hearing Officer

## **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department correctly calculated the Appellant's SNAP benefit amount for [REDACTED] 2019 and [REDACTED] 2019.

## **FINDINGS OF FACT**

1. The Appellant's current certification period is [REDACTED], 2018, through [REDACTED], 2019. (Exhibit 8: NOA dated [REDACTED]-19)
2. On [REDACTED] 2019, the Department received the Appellant's W-1ERL SNAP renewal form. (Exhibit 1: W-1ERL renewal form)
3. The Department received from Care4Kids a Data Sharing Conflict notice indicating the Appellant began employment for [REDACTED] on [REDACTED], 2018. (Exhibit 6: Care4Kids notice dated [REDACTED]/19)
4. On [REDACTED], 2019, the Department sent the Appellant a W-1348M Request for Proofs form requesting the Appellant, provide proof of earnings from [REDACTED] [REDACTED], if no longer employed verification of last date of work and date received last pay. The verification was due by [REDACTED], 2019. (Exhibit 7: W-1348M dated [REDACTED]-19)
5. On [REDACTED], 2019, the Department sent the Appellant a warning notice stating it had not received the renewal form and benefits would be discontinued effective [REDACTED], 2019, if not received. (Exhibit. 2: warning notice dated [REDACTED]-19)
6. On [REDACTED], 2019, the Department sent the Appellant a Notice of Action (NOA) discontinuing her SNAP benefits for failure to complete the renewal process for SNAP. (Summary, Exhibit 3: NOA dated [REDACTED]-19)
7. The Department discontinued the Appellant's SNAP benefits effective [REDACTED], 2019. (Summary)
8. On [REDACTED], 2019, the Department attempted to complete a phone interview, two calls were attempted but unsuccessful. (Summary, Exhibit 9: Departments Case Notes printout)
9. On [REDACTED], 2019, the Department sent the Appellant an Interview Notice letter. The letter states the Appellant must have an interview completed by [REDACTED], 2019. (Exhibit 4: Interview Notice dated [REDACTED]-19)
10. On [REDACTED], 2019, the Department sent the Appellant a W-1348 Proofs We need form requesting the Appellant provide proof of earnings for the most recent four weeks. The verification was due by [REDACTED], 2019.

(Exhibit 5: W-1348 dated [REDACTED]-19)

11. On [REDACTED], 2019, the Department completed SNAP interview with Appellant. (Summary)
12. On [REDACTED], 2019, the Department received a phone from [REDACTED]. The Appellant's last day of work confirmed, Appellant did not take the job as she could not secure daycare. (Exhibit 9)
13. On [REDACTED], 2019, the Department received a letter from [REDACTED] regarding the Appellant employment. The letter dated [REDACTED], 2019. (Exhibit 10: letter dated [REDACTED]-19)
14. On [REDACTED], 2019, the Appellant submitted an on-line application for SNAP benefits. (Exhibit 9)
15. On [REDACTED], 2019, the Department granted expedited SNAP benefits for [REDACTED] 2019 and on-going benefits. (Exhibit 9)
16. The Department pro-rated the Appellant's SNAP benefits for [REDACTED] 2019 and full benefits for [REDACTED] 2019. The Department issued \$82.00 for [REDACTED] and \$353.00 for [REDACTED] on-going.
17. The Appellant is seeking [REDACTED] 2019 and full [REDACTED] 2019 SNAP benefits. (Appellant's Testimony)
18. The Department issued SNAP benefits for [REDACTED] 2019 and issued additional SNAP benefits for [REDACTED] 2019 pending the hearing decision. (Summary)
19. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within 90 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED], 2019. Therefore, this decision is due not later than [REDACTED], 2019.

However, the hearing, which was originally scheduled for [REDACTED], 2019, was rescheduled for [REDACTED], 2019, at the request of the Appellant, which caused a 17-day delay. Because this 17-day delay resulted from the Appellant's request, this decision is not due until [REDACTED], 2019, and is therefore timely.

### **CONCLUSIONS OF LAW**

1. Section 17b-2 of the Connecticut General Statutes, authorizes the Commissioner of the Department of Social Services to administer the SNAP in accordance with federal law.

2. Uniform Policy Manual (“UPM”) § 1545.15 (A) (1) provides in part that the Department is required to provide assistance units with timely notification of the required redetermination.
3. **On [REDACTED] 2019, the Appellant timely provided the Department with her SNAP renewal form.**
4. Title 7 of the CFR § 273.14(b)(2) provides in part that the State agency must develop an application to be used by households when applying for recertification.
5. Title 7 of the CFR § 273.14(b)(3) (iii) provides State agencies shall schedule interviews so that the household has at least 10 days after the interview in which to provide verification before the certification period expires. If a household misses its scheduled interview, the State agency shall send the household a Notice of Missed Interview that may be combined with the notice of denial. If a household misses its scheduled interview and requests another interview, the State agency shall schedule a second interview.
6. **The Department did not schedule an interview for the Appellant prior to the end date of the certification period.**
7. Title 7 of the Code of Federal Regulations (“CFR”) § 273.14(e) provided for Delayed processing.
  - (1) If an eligible household files an application before the end of the certification period but the recertification process cannot be completed within 30 days after the date of application because of State agency fault, the State agency must continue to process the case and provide a full month’s allotment for the first month of the new certification period. The State agency shall determine cause for any delay in processing a recertification application in accordance with the provisions of § 273.3(h)(1).
8. **The Department failed to process the Appellant’s renewal prior to the the certification end date of [REDACTED], 2019. The Appellant is eligible for her SNAP allotment for [REDACTED] 2019.**
9. 7 CFR § 273.14(e)(3) provides in relevant part that “If a household files an application within 30 days after the end of the certification period, the application shall be considered an application for recertification; however, benefits must be prorated in accordance with § 273.10(a)”.

**The Appellant provided a SNAP application on [REDACTED] 2019. Because the application was filed 30 days after the end of her certification**

**period, it was considered a delayed application for recertification; however, benefits for the application month had to be prorated.**

10. 7 CFR § 273.10(a)(1)(ii) provides in relevant part that, “A household’s benefit level for the initial months of certification shall be based on the day of the month it applies for benefits and the household shall receive benefits from the date of application to the end of the month...”.

**For [REDACTED] 2019, the Appellant is eligible for a SNAP benefit prorated from her [REDACTED], 2019 application date to the end of the month.**

11. 7 CFR § 273.10(a)(1)(iii)(A) provides that the proration method for a State agency using a standard 30-day calendar is that the monthly SNAP allotment is equal to a full month’s benefits multiplied by  $(31 - \text{date of application}) / 30$ .

- 1) 31 minus 24 equals 7.
- 2) 7 divided by 30 equals .23
- 3) .23 multiplied by \$353.00 equals \$81.19.

**The \$82.00 SNAP benefit issued to the Appellant for [REDACTED] 2019 is correct. The Department correctly prorated the benefit from the date the Appellant filed her delayed application for recertification on [REDACTED], 2019 to the end of the month.**

### DISCUSSION

The Appellant is eligible for the full amount of SNAP benefits for [REDACTED] 2019 as the Department did not properly process her renewal prior to the end of the certification period. The Department correctly pro-rated the SNAP benefits for [REDACTED] 2019 as the application of [REDACTED] 24, 2019, is beyond the 30 days after the end of her certification period.

### DECISION

The Appellant’s appeal is partially granted.

### ORDER

1. The Appellant shall remain eligible for [REDACTED] 2019 benefits the Department issued.
2. The Department shall recover the [REDACTED] 2019 additional benefits issued to the Appellant.
3. No later than [REDACTED] 2019, the Department will provide to the undersigned proof of compliance with this order.

A handwritten signature in black ink, appearing to read "Miklos Mencseli". The signature is written in a cursive style with some loops and flourishes.

Miklos Mencseli  
Hearing Officer

C: Yecenia Acosta , Operations Manager, DSS R.O. #32 Stamford

### **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, 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 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.