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

2019 Signature confirmation

Case:
Client:
Request: 142477

NOTICE OF DECISION

PARTY



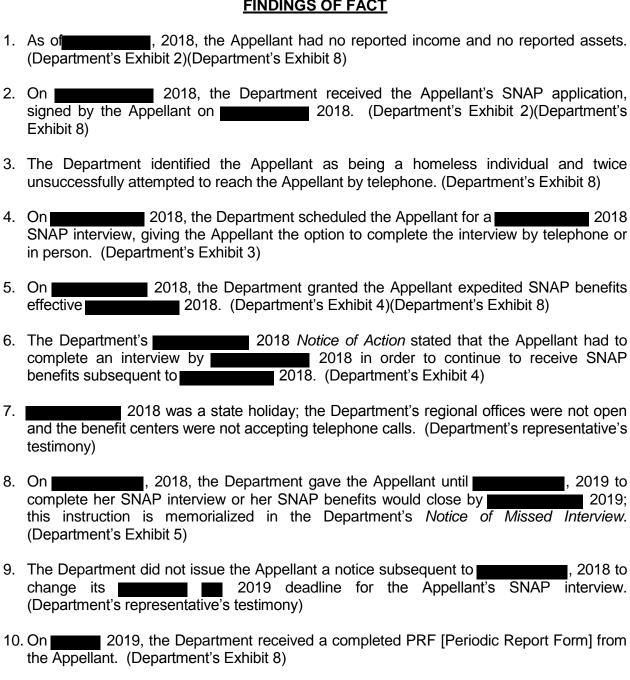
PROCEDURAL BACKGROUND

On 2019, the Department of Social Services (the "Department") issued
(the "Appellant") a <i>Notification of Overpayment and Recoupment</i> seeking recovery of \$1,152.00 in Supplemental Nutrition Assistance Program ("SNAP") benefits issued to her for the service months of 2019 through 2019.
On 2019, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") received the Appellant's 2019 signed hearing request, disputing the overpayment.
On 2019, the OLCRAH scheduled 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, the OLCRAH held an administrative hearing.
The following individuals attended the administrative hearing:
, Appellant
, Appellant's witness Christine Faucher, Department's representative Eva Tar, Hearing Officer
The administrative hearing record closed, 2019.

STATEMENT OF ISSUE

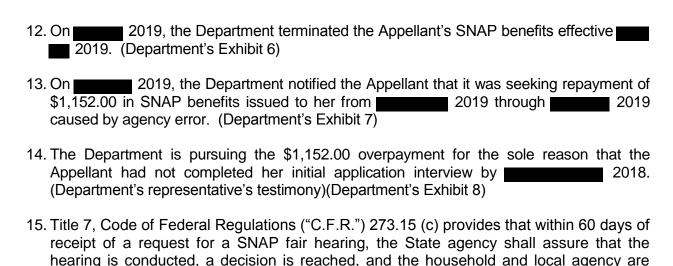
The issue is whether the Department may recover from the Appellant \$1,152.00 in SNAP benefits for the service months of 2019 through 2019.

FINDINGS OF FACT



11. After receiving the Appellant's PRF, the Department did not contact the Appellant to question her regarding changes reported on the PRF or to complete the previously

scheduled interview. (Department's representative's testimony)



CONCLUSIONS OF LAW

2019, this final decision initially was not due until

decision is timely.

notified of the decision. As the OLCRAH received the Appellant's hearing request on

- 1. Section 17b-2 of the Connecticut General Statutes in part designates the Department of Social Services "as the state agency for the administration of ... (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008...."
- 2. Title 7, Code of Federal Regulations ("C.F.R."), Section 273.2 (a)(2) provides in part: "The State agency must make expedited service available to households in immediate need...."

"The following households are entitled to expedited service: (i) Households with less than \$150 in monthly gross income, as computed in §273.10 provided their liquid resources (i.e., cash on hand, checking or savings accounts, savings certificates, and lump sum payments as specified in §273.9(c)(8)) do not exceed \$100...." 7 C.F.R. § 273.2 (i)(1)(i).

The Appellant met the SNAP criteria to receive expedited service, as that criteria is provided at 7 C.F.R. § 273.2 (i)(1)(i).

3. "To determine eligibility, the application form must be completed and signed, the household or its authorized representative must be interviewed, and certain information on the application must be verified...." 7 C.F.R. § 273.2 (d)(1).

"The State agency may use a telephone interview instead of the face-to-face interview required in paragraph (e)(1) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency...." 7 C.F.R. § 273.2 (e)(2).

"If a household is entitled to expedited service and is also entitled to a waiver of the office interview, the State agency shall conduct the interview (unless the household

cannot be reached) and complete the application process within the expedited service standards...." 7 C.F.R. § 273.2 (i)(3)(iii) (emphasis added.)

The Department correctly acted to complete the Appellant's SNAP application process without an interview to be within the expedited service standards, as the Appellant could not be reached.

4. "Households that are certified on an expedited basis and have provided all necessary verification required in paragraph (f) of this section prior to certification shall be assigned normal certification periods...." 7 C.F.R. § 273.2 (i)(4)(iii).

"In cases where a household's application is approved on an expedited basis without verification, as provided in §273.2(i), the notice shall explain that the household must provide the verification which was waived...." 7 C.F.R. § 273.10 (g)(1)(B).

"For households applying on or before the 15th of the month, the State agency may assign a one-month certification period **or** assign a normal certification period...." 7 C.F.R. § 273.2 (i)(4)(iii)(A) (emphasis added).

As permitted by 7 C.F.R. § 273.2 (i)(4)(iii)(A), the Department on 2018 assigned the Appellant a normal SNAP certification period of one year; the Department did not assign the Appellant a one-month certification period.

The Department's 2019 action to seek recovery of \$1,152.00 of the Appellant's SNAP benefits for the service period incorporating 2019 through 2019 was precipitous as: 1) the Department's 2018 Notice of Missed Interview gave the Appellant an interview deadline of 2019, overturning the previous interview deadline of 2018; and 2) the Department did not issue a notice to the Appellant subsequent to 2018 to rescind, correct, or amend its instruction as to the 2019 SNAP interview deadline.

DISCUSSION

2018, the Department granted the Appellant expedited SNAP benefits On I effective 2018. 2018 Notice of Missed Interview gave the Appellant until The Department's 2019 to complete her interview, stating that the Appellant's SNAP case 2019 should she fail to complete that interview. The would close effective Department did not rescind, amend, or correct the ■ 2018 Notice of Missed *Interview* to give the Appellant a different deadline for the interview's completion. In short, the Department assigned the Appellant a SNAP certification period of one year, 2018 through 2019. A one-year SNAP certification period for cases granted on an expedited basis is permitted by federal regulations: "If a household is entitled to expedited service and is also entitled to a waiver of the office interview, the State agency shall conduct the interview (unless the household cannot be reached) and complete

the application process within the expedited service standards...." 7 C.F.R. § 273.2 (i)(3)(iii) (emphasis added.) "For households applying on or before the 15th of the month, the State agency may assign a one-month certification period **or** assign a normal certification period...." 7 C.F.R. § 273.2 (i)(4)(iii)(A) (emphasis added). "Households that are certified on an expedited basis and have provided all necessary verification required in paragraph (f) of this section prior to certification shall be assigned normal certification periods...." 7 C.F.R. § 273.2 (i)(4)(iii).

	section prior to certification shall be assigned normal certification periods" 7 C.F.R. § .2 (i)(4)(iii).
her to conterm	rview. Rather than contacting the Appellant regarding her income changes reported on
year an a purs	essence, the Department on 2019 retroactively shortened the Appellant's one- r SNAP certification period (2018 through 2019) to one month in already expired period (2018) without advance notice. The Department's suit of SNAP overpayments for the relevant period of 2019 through 9 was precipitous.
	DECISION
The	Appellant's appeal is GRANTED.
	<u>ORDER</u>
1.	The Department will remove the \$1,152.00 SNAP overpayment for the service months of 2019 through 2019.
	Within 14 calendar days, or 2019, documentation of compliance with this order is due to the undersigned.
	<u>Eva Tar – electronic signature</u> Eva Tar Hearing Officer

Pc: Christine Faucher, DSS-New Haven Rachel Anderson, DSS-New Haven Cheryl Stuart, DSS-New Haven Lisa Wells, DSS-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 <u>specific</u> grounds for the request: for example, indicate <u>what</u> error of fact or law, <u>what</u> new evidence, or <u>what</u> 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.