



### **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 [REDACTED] 2019 through [REDACTED] 2019.

### **FINDINGS OF FACT**

1. As of [REDACTED], 2018, the Appellant had no reported income and no reported assets. (Department's Exhibit 2)(Department's Exhibit 8)
2. On [REDACTED] 2018, the Department received the Appellant's SNAP application, signed by the Appellant on [REDACTED] 2018. (Department's Exhibit 2)(Department's Exhibit 8)
3. The Department identified the Appellant as being a homeless individual and twice unsuccessfully attempted to reach the Appellant by telephone. (Department's Exhibit 8)
4. On [REDACTED] 2018, the Department scheduled the Appellant for a [REDACTED] 2018 SNAP interview, giving the Appellant the option to complete the interview by telephone or in person. (Department's Exhibit 3)
5. On [REDACTED] 2018, the Department granted the Appellant expedited SNAP benefits effective [REDACTED] 2018. (Department's Exhibit 4)(Department's Exhibit 8)
6. The Department's [REDACTED] 2018 *Notice of Action* stated that the Appellant had to complete an interview by [REDACTED] 2018 in order to continue to receive SNAP benefits subsequent to [REDACTED] 2018. (Department's Exhibit 4)
7. [REDACTED] 2018 was a state holiday; the Department's regional offices were not open and the benefit centers were not accepting telephone calls. (Department's representative's testimony)
8. On [REDACTED], 2018, the Department gave the Appellant until [REDACTED], 2019 to complete her SNAP interview or her SNAP benefits would close by [REDACTED] 2019; this instruction is memorialized in the Department's *Notice of Missed Interview*. (Department's Exhibit 5)
9. The Department did not issue the Appellant a notice subsequent to [REDACTED], 2018 to change its [REDACTED] [REDACTED] 2019 deadline for the Appellant's SNAP interview. (Department's representative's testimony)
10. On [REDACTED] 2019, the Department received a completed PRF [Periodic Report Form] from the Appellant. (Department's Exhibit 8)
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)

12. On ██████ 2019, the Department terminated the Appellant's SNAP benefits effective ██████ 2019. (Department's Exhibit 6)
13. On ██████ 2019, the Department notified the Appellant that it was seeking repayment of \$1,152.00 in SNAP benefits issued to her from ██████ 2019 through ██████ 2019 caused by agency error. (Department's Exhibit 7)
14. The Department is pursuing the \$1,152.00 overpayment for the sole reason that the Appellant had not completed her initial application interview by ██████ 2018. (Department's representative's testimony)(Department's Exhibit 8)
15. Title 7, Code of Federal Regulations ("C.F.R.") 273.15 (c) provides that within 60 days of receipt of a request for a SNAP fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision. As the OLCRAH received the Appellant's hearing request on ██████ 2019, this final decision initially was not due until ██████ 2019. This decision is timely.

### **CONCLUSIONS OF LAW**

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

### DISCUSSION

On [REDACTED] 2018, the Department granted the Appellant expedited SNAP benefits effective [REDACTED] 2018.

The Department’s [REDACTED] 2018 *Notice of Missed Interview* gave the Appellant until [REDACTED] 2019 to complete her interview, stating that the Appellant’s SNAP case would close effective [REDACTED] 2019 should she fail to complete that interview. The Department did not rescind, amend, or correct the [REDACTED] 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, from [REDACTED] 2018 through [REDACTED] 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).

On [REDACTED] 2019, the Department realized that the Appellant hadn’t completed a SNAP interview. Rather than contacting the Appellant regarding her income changes reported on her [REDACTED] 2019 *Periodic Report Form*—and affording the Appellant an informal opportunity to complete her SNAP interview prior to [REDACTED] 2019—the Department immediately terminated the Appellant’s SNAP case and sought recovery of \$1,152.00 in SNAP benefits it had issued the Appellant from [REDACTED] 2019 through [REDACTED] 2019.

In essence, the Department on [REDACTED] 2019 *retroactively shortened* the Appellant’s one-year SNAP certification period ([REDACTED] 2018 through [REDACTED] 2019) to one month in an already expired period ([REDACTED] 2018) *without advance notice*. The Department’s pursuit of SNAP overpayments for the relevant period of [REDACTED] 2019 through [REDACTED] 2019 was precipitous.

**DECISION**

The Appellant’s appeal is GRANTED.

**ORDER**

1. The Department will remove the \$1,152.00 SNAP overpayment for the service months of [REDACTED] 2019 through [REDACTED] 2019.
2. Within 14 calendar days, or [REDACTED] 2019, documentation of compliance with this order is due to the undersigned.

*Eva Tar - electronic signature*  
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 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.