

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 # 142792

NOTICE OF DECISION

PARTY

██████████  
██████████  
██████████  
██████████

PROCEDURAL BACKGROUND

On ██████████, the Department of Social Services (the "Department") sent ██████████, (the "Appellant") a Notice of Action ("NOA) advising her that her Supplemental Nutrition Assistance Program ("SNAP") would close ██████████ 2019 because she did not meet the residency requirements and there were no eligible household members.

On ██████████, the Appellant requested an administrative hearing to contest the Department's determination to discontinue her SNAP benefits.

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

On ██████████ 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:

██████████, the Appellant  
██████████, friend and witness for the Appellant  
Ken Smiley, Hearing Liaison, Willimantic Regional Office  
Amanda Guillemette, Hearing Liaison, Norwich Regional Office  
Maureen Foley-Roy, Hearing Officer

## **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department correctly discontinued the Appellant's SNAP benefits.

## **FINDINGS OF FACT**

1. The Appellant is a 73 year old individual who was receiving SNAP benefits, Medicaid for HomeCare Services and Medicare Savings Program benefits through the Department. (Exhibit 2: Notice of Action and Appellant's testimony)
2. On [REDACTED], the Appellant went to stay with her daughter in Florida because her home had been foreclosed on and she was homeless. (Appellant's testimony)
3. The Appellant put her belongings in storage in Connecticut, changed her mailing address to a friend's home in Connecticut and advised her friends that she would return in July. She did not have a round trip ticket. (Appellant and Appellant's friend's testimony)
4. The Appellant did not contact the Department to advise them that she was no longer living at her previous address and that she had gone out of state. (Appellant's testimony)
5. The Appellant did not receive any assistance in Florida; she was cared for by her daughter and her grandchildren. (Appellant's testimony)
6. On [REDACTED], the Department received an email from an unknown source that reported that the Appellant was staying with family in Florida and was hoping to return to Connecticut in July. The Department tried unsuccessfully to contact the Appellant. (Exhibit 1: Case Notes)
7. On [REDACTED], the Department received an email from the Alternate Care Unit reporting that the Appellant was residing in Florida with family. (Exhibit 1)
8. On [REDACTED] the Department discontinued the Appellant's SNAP benefits because it determined she did not meet the residency requirement and there were no eligible members in the home. (Exhibit 2)
9. In [REDACTED], the Appellant returned to Connecticut and is staying at a campground. She has been advised that she can only stay at the campground for 2 weeks. (Appellant's testimony)
10. The issuance of this decision is timely under the Code of Federal Regulations 7 § 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]. Therefore, this decision is due not later than [REDACTED] and is 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 program in accordance with federal law.
2. Title 7 of the Code of Federal Regulations ("CFR") § 273.3(a) provides for residency in the SNAP program and states in pertinent part, as follows:

A household shall live in the State in which it files an application for participation. The State agency may also require a household to file an application for participation in a specified project area (as defined in § 271.2 of this chapter) or office within the State. No individual may participate as a member of more than one household or in more than one project area, in any month, unless an individual is a resident of a shelter for battered women and children as defined in § 271.2 and was a member of a household containing the person who had abused him or her. Residents of shelters for battered women and children shall be handled in accordance with § 273.11(g). The State agency shall not impose any durational residency requirements. The State agency shall not require an otherwise eligible household to reside in a permanent dwelling or have a fixed mailing address as a condition of eligibility. Nor shall residency require an intent to reside permanently in the State or project area. Persons in a project area solely for vacation purposes shall not be considered residents.

7 CFR § 273.3(a)

3. "The Department's Uniform Policy Manual ("UPM") is the equivalent of a state regulation and, as such, carries the force of law." *Bucchere v Rowe*, 43 Conn Supp. 175 178 (194) (citing Conn. Gen. Stat. § 17b-10; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A.2d712(1990)).
4. "Residency in the state is a technical eligibility requirement for Food Stamps. An individual meets the residency requirement by living in Connecticut." UPM § 3010.30(A)
5. "The State agency may establish a simplified reporting system in lieu of the change reporting requirements specified under paragraph (a)(1) of this section." 7 CFR § 273.12(a)(5)

6. 7 CFR § 273.12(a)(5)(iii)(G) provides, in pertinent part, as follows:

The periodic report form shall be the sole reporting requirement for any information that is required to be reported on the form, except that a household required to report less frequently than quarterly shall report:

(1) When the household monthly gross income exceeds the monthly gross income limit for its household size in accordance with paragraph (a)(5)(v) of this section;

(2) Whenever able-bodied adults subject to the time limit of § 273.24 have their work hours fall below 20 hours per week, averaged monthly; and

(3) Whenever a member of the household wins substantial lottery or gambling winnings in accordance with § 273.11(r).

7 CFR § 273.12(a)(5)(iii)(G)

7. 7 CFR § 273.12(a)(5)(vi)(B)(2) provides, in pertinent part, as follows:

State agency action on changes reported outside of a periodic report. The State agency must act when the household reports that its gross monthly income exceeds the gross monthly income limit for its household size. For other changes, the State agency need not act if the household reports a change for another public assistance program in which it is participating and the change does not trigger action in that other program but results in a decrease in the household's SNAP benefit. The State agency must act on all other changes reported by a household outside of a periodic report in accordance with one of the following two methods:

(B) The State agency must not act on changes that would result in a decrease in the household's benefits unless one of the following occurs:

**(2) The State agency has information about the household's circumstances considered verified upon receipt.** (Emphasis added)

7 CFR § 273.12(a)(5)(vi)(B)(2)

8. 7 CFR § 273.12(c)(2)(i) provides for State Action on changes which result in a decrease of benefits and states, in pertinent part, as follows:

(i) If the household's benefit level decreases or the household becomes ineligible as a result of the change, the State agency shall issue a notice of adverse action within 10 days of the date the change was reported unless one of the exemptions to the notice of adverse

action in § 273.13 (a)(3) or (b) applies. When a notice of adverse action is used, the decrease in the benefit level shall be made effective no later than the allotment for the month following the month in which the notice of adverse action period has expired, provided a fair hearing and continuation of benefits have not been requested. When a notice of adverse action is not used due to one of the exemptions in § 273.13 (a)(3) or (b), the decrease shall be made effective no later than the month following the change. Verification which is required by § 273.2(f) must be obtained prior to recertification.

7 CFR § 273.12(c)(2)(i)

9. 7 CFR § 273.12(c)(3) provides, in pertinent part, as follows:

Unclear information. During the certification period, the State agency **might obtain unclear information about a household's circumstances from which the State agency cannot readily determine the effect on the household's continued eligibility for SNAP, or in certain cases benefit amounts.** The State agency may receive such unclear information from a third party. Unclear information is information that is not verified, or information that is verified but the State needs additional information to act on the change. (Emphasis added)

- 10.7 CFR § 273.12(c)(3)(i) provides, in pertinent part, as follows:

**(i) The State agency must pursue clarification and verification (if applicable) of household circumstances using the following procedure if unclear information received outside the periodic report is: Fewer than 60 days old relative to the current month of participation; and would, if accurate, have been required to be reported under the requirements that apply to the household under 273.12 based on the reporting system to which they have been assigned. Additionally, the State agency must pursue clarification and verification (if applicable) of household circumstances using the following procedure for any unclear information that appears to present significantly conflicting information from that used by the State agency at the time of certification.** The procedures for unclear information regarding matches described in § 272.13 or § 272.14 are found in paragraph (iii) of this section. (Emphasis added)

**The Department was correct when, upon learning that the Appellant was out of state and no longer living at the last address that she had reported at her certification, it attempted to contact her and clarify her situation.**

The Department was correct when it discontinued the Appellant's benefits upon learning that the Appellant had moved out of state and had not contacted the Department regarding her whereabouts or her situation.

### **DISCUSSION**

The Department received accurate information that the Appellant no longer had a home in the state of Connecticut and that she was currently out of the state. The Appellant did not report any of this information to the Department. Upon receiving the information, the Department attempted to contact the Appellant but was unsuccessful. Under such circumstances, the Department was correct on [REDACTED] [REDACTED] when it discontinued the Appellant's SNAP benefits effective the end of [REDACTED]

### **DECISION**

The Appellant's appeal is **DENIED**.



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Maureen Foley-Roy,  
Hearing Officer

CC: Tyler Nardine, Cheryl Stuart Operations Managers  
Amanda Guillemette, DSS Hearing Liaison, Norwich  
Ken Smiley, DSS, Willimantic

### **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.