

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 # 144381

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2019, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) discontinuing her food stamp benefits under the Supplemental Nutritional Assistance Program (“SNAP”), effective ██████████ 2019.

On ██████████ 2019, the Appellant requested an administrative hearing to contest the Department’s decision to discontinue such benefits.

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

On ██████████, 2019, 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
Tamika Cineus, Department Representative
Almelinda McLeod, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department’s decision to discontinue the Appellant’s SNAP benefits for failure to complete a redetermination was correct.

FINDINGS OF FACT

1. The Appellant received SNAP benefits for herself and her disabled son. (Hearing record)
2. The Appellant has a daughter who is a fulltime student with [REDACTED] and receiving financial aid. (Hearing summary)
3. The Appellant's daughter was removed from the SNAP when she became a full time college student. (Appellant's testimony)
4. The Appellant's daughter was home from college for the summer. (Appellant's testimony)
5. The Appellant's daughter provides care to her brother when she is home from college and is paid by [REDACTED]. (Hearing summary)
6. On [REDACTED] 2019, the Department received the Appellant's SNAP renewal form. The Appellant applied for a household of three. (Exhibit 1, SNAP Renewal form and exhibit 6, case notes)
7. On [REDACTED] 2019, the Department processed the renewal and issued a W-1348 Proofs We Need form requesting proof that you have applied for Social Security benefits. (Exhibit B- W-1348)
8. On [REDACTED] 2019, the Department issued a second W-1348 requesting proof you have applied for Social Security benefits, W-1471 proof of financial aid and the most recent 4 weeks of paystubs. (Exhibit 2, W-1348 [REDACTED]/19)
9. The W-1348 gave a date of [REDACTED] 2019 as the due date; 10 days after the end of the certification period. (Exhibit 3, W-1348 Proofs We Need form)
10. On [REDACTED] 2019, the Department sent a NOA to the Appellant which stated SNAP benefits will be closed effective [REDACTED] 2019 because the renewal process was not completed. (Exhibit 3, NOA)
11. The Department must take an action on a SNAP application within 30 days of the renewal; therefore the Department discontinued the SNAP because they did not receive the verifications requested within the 30 days. (Department testimony).

12. The Department would be tasked with reinstating the SNAP benefits upon receipt of all the outstanding verifications by the due date given, ██████████ 2019. (Department's testimony)
13. On ██████████ 2019, the Appellant dropped off the paystubs requested and submitted the signature of authorization required on the W-1471 in order for the school to disclose her student information with ██████████ ██████████. (Exhibit 4- paystubs, Exhibit 5- W-1471 and Appellant testimony)
14. On ██████████ 2019, the Appellant was informed that the SNAP closed effective ██████████ 2019. (Appellant testimony)
15. On ██████████ 2019, OLCRAH received the Appellant's request for an administrative stating the reason for her request was: "DSS stopped my SNAP benefit on ██████████.19 or before this date when they asked me to provide documents due at ██████████ 19." (Exhibit A- Hearing Request)
16. The Department determined that, although some of the requested verifications were submitted on ██████████ 2019, the W-1471 was not completed by the school by ██████████ 2019; therefore the SNAP remained closed because the Department did not receive the requested verification. (Department testimony)
17. The Appellant requested more time from the Department to provide school information because ██████████ was out of state and would take time. (Appellant testimony)
18. The Department helps the Appellant when asked for help but it is not common practice for the Department to request information directly from the school. (Department's testimony)
19. 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 ██████████ 2019, therefore, this decision is due not later than ██████████ 2019.

CONCLUSIONS OF LAW

1. Section 17b-2 (7) of the Connecticut General Statutes, authorizes the Commissioner of the Department of Social Services to administer the SNAP in accordance with federal law.

2. Title 7 of the Code of Federal Regulations (“CFR”) § 273.14(a) provides that No household may participate beyond the expiration of the certification period assigned in accordance with §273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.
3. UPM § 1545.25 (A) provides that assistance units are required to complete a redetermination form at each redetermination.
4. 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.
5. **The Department correctly notified the Appellant that she must complete a redetermination process in order to renew eligibility for SNAP.**
6. 7 CFR § 273.14(b)(2) provides that the State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time of application for recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in paragraph (e)(3) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the casefile, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in §273.2(b)(2), and provide the household with a notice of required verification as specified in §273.2(c)(5).
7. 7 CFR § 273.2(c)(5) provides that the State agency shall provide each household at the time of application for certification and recertification with a notice that informs the household of the verification requirements the household must meet as part of the application process.
8. UPM § 1010.05(A)(1) provides in part that the assistance unit must supply the Department in an accurate and timely manner as defined by the Department, all pertinent information and verification which the

Department requires to determine eligibility and calculate the amount of benefits.

9. UPM § 1015.05 (c) provides that the Department must tell the assistance unit what the unit has to do to establish eligibility when the Department does not have sufficient information to make an eligibility determination.
10. UPM § 1015.10(A) provides that the Department must inform the assistance unit regarding the eligibility requirements of the programs administered by the Department, and regarding the unit's rights and responsibilities.
11. UPM 1540.10 (A) provides that the assistance unit bears the primary responsibility to providing evidence to corroborate its declarations.
- 12.7 CFR C § 273.2(h)(i)(C) provides for in cases where verification is incomplete, the State agency must have provided the household with a statement of required verification and offered to assist the household in obtaining required verification and allowed the household sufficient time to provide the missing verification. Sufficient time shall be at least 10 days from the date of the State agency's initial request for the particular verification that was missing.
- 13. The Department correctly sent the Appellant the W1348 Proofs We Need form requesting the outstanding verification needed to establish eligibility.**
- 14. Because the W-1348 was issued on [REDACTED]/19, the Department allowed the Appellant 10 days after the end of the certification period to provide requested verifications.**
- 15.7 CFR § 273.1 (a) provides a general household definition which states that a household is composed of one who lives alone or an individual who lives alone but purchased and prepares meals for home consumption separately or a group of individuals who live together who customarily purchase and prepare meals together for home consumption, unless otherwise specified in paragraph (b) of this section.
- 16.7 CFR § 273.1 (b) pertains to required household members and provides that individuals who live with others must be considered as customarily purchasing food and preparing meals with others, even if they do not do so, must be included in the same household , unless otherwise specified.
- 17.7 CFR § 273.1 (b) (7) (vi) provides that residents of institutions who receive 50% of 3 meals daily from an institution (College, nursing home,

etc.) as the institutions normal services, where they live are residents of institutions. Residents of institutions are not eligible for SNAP.

18.7 CFR § 273.5(a) and (c) provides that Students are enrolled as of the first day of the school term through normal scheduled class periods , vacation, and recess unless they graduate, are suspended, expelled ,or drop out; or don't intend to register for the next school term. (excluding summer school)

19.The Department correctly requested W-1471 Education Aid information because the Appellant requested assistance for a household of three, which included her daughter who was a full time college student in [REDACTED].

20.7 CFR § 273.14 (e) (1) provides that 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 the 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.

21.7 CFR § 273.14 (e) (2) provides that if a household files an application before the end of the certification period, but fails to take a required action, the State agency may deny the case at that time, at the end of the certification period, or at the end of 30 days.

22.UPM § 1545.25 (D) provides that assistance units that do not complete the redetermination form within the time limits specified in this chapter may be subject to discontinuance or an interruption in benefits.

23.UPM § 1545.40 (A)(2) provides that unless otherwise stated, assistance is discontinued on the last day of the redetermination month if eligibility is not reestablished through the redetermination process.

24.UPM § 1545.40 (B) (2) (a) provides eligibility for the FS program is discontinued at the end of the redetermination period in all situations where the redetermination is incomplete and the assistance unit has not been recertified.

25.UPM § 1545.40 (B) (2) (b) provides that discontinuance is automatic, regardless of the reason for the incomplete redetermination.

26.UPM § 1545.40 (B) (2) (c) provides good cause is not a consideration in the FS program.

27. The Department correctly determined that the Appellant failed to provide required verification to determine eligibility for SNAP benefits before the end of the certification period.
28. The Department correctly determined that the Appellant did not complete the redetermination process.
29. The Department correctly discontinued the Appellant's SNAP benefits, effective [REDACTED] 2019 or at the end of 30 days from date of application, because the Appellant did not complete her SNAP redetermination (renewal process).

DISCUSSION

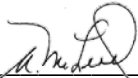
The Department issued a W-1348 on [REDACTED]/19 and allowed for all the verifications to be submitted by due date of [REDACTED], 2019 for reinstatement. However, the redetermination process which began July 1, 2019 had to be determined by the 30th day, per policy, which expired on [REDACTED] 2019. The Appellant did not provide all of the requested verification by the end of the certification period, therefore the close of the SNAP was appropriately closed effective [REDACTED] 2019.

Policy states that a fulltime college student is an ineligible household member, even if home for the summer. However, because the Appellant applied for a household of three, the Department had the obligation to verify her student status for the fall semester. Thus the request for school information was appropriate in this instance.

I find that the discontinuance of the SNAP at the end of the 30th day was appropriate in accordance with regulations.

DECISION

The Appellant's appeal is DENIED.



Almelinda McLeod
Hearing Officer

CC: Yecenia Acosta, SSOM Stamford Regional Office
Timika Cineus, Hearing Liaison, Stamford Regional Office

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.