

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 #146752

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

On ██████████, 2019, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) discontinuing her Supplemental Nutrition Assistance Program (“SNAP”) benefits effective ██████████, 2019 because the renewal form was not submitted and the renewal process was not completed.

On ██████████, 2019, the Appellant requested an administrative hearing to contest the discontinuance of her SNAP 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
Jacqueline Taft, Department’s representative
James Hinckley, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department was correct when it discontinued the Appellant's SNAP benefits effective [REDACTED], 2019.

FINDINGS OF FACT

1. The Appellant's household was certified to receive SNAP for the period from [REDACTED], 2018 to [REDACTED], 2019. (Ex. 2: *Notice of Renewal of Eligibility*)
2. On or about [REDACTED] 2019, the Appellant moved to a new address. (Appellant's testimony)
3. The Appellant never filed an official change of address with the Post Office. She only receives important mail from a small number of companies, institutions, organizations or persons. Because of certain privacy concerns she had, she individually notified each person or entity that needed her address, rather than changing her address with the Post Office. She feared that changing her address with the Post Office would give access to her new address to anyone who knew her old address. (Appellant's testimony)
4. The Appellant initially tried reporting her new address to the Department by telephone, but was frustrated by the long wait times and did not complete the process. (Appellant's testimony)
5. The Appellant also tried reporting her new address to the Department online, but had difficulty with the Department's website and did not successfully complete the online reporting process. (Appellant's testimony)
6. The Appellant ultimately dropped off information about her new address, including a copy of her lease, in a drop box located at the Department's local office location. (Appellant's testimony)
7. On [REDACTED], 2019, the Department mailed a *Notice of Renewal of Eligibility* to the Appellant advising her that she needed to complete a SNAP renewal, otherwise her benefits would end on [REDACTED], 2019. The notice was mailed to the Appellant's old address. (Ex. 2)
8. On [REDACTED], 2019, the Department mailed a *Warning Notice* to the Appellant alerting her that her renewal form had not yet been received, and that she must return it by [REDACTED], 2019 to keep getting her benefits without interruption. The notice was mailed to the Appellant's old address. (Ex. 2: *Warning Notice*)
9. On [REDACTED], 2019, the Department issued a NOA to the Appellant discontinuing her SNAP beginning [REDACTED] 2019, because the renewal form was not

submitted and the renewal process was not completed. The notice was mailed to the Appellant's old address. (Ex. 3: NOA dated [REDACTED], 2019)

10. On [REDACTED], 2019, the Appellant requested an administrative hearing. (Hearing Record)
11. All documents submitted to the Department, by whatever means, are scanned into its computer system where they can later be retrieved electronically. (Hearing Record, Ms. Taft's testimony)
12. Following the Appellant's hearing request, the Department performed Document Searches for her case for the period beginning [REDACTED] 2019. The searches were performed using three different methods: by Name, by Client ID Number, and by Case ID Number, and they yielded the following results:
 - a. The Department never received a completed renewal form for the Appellant.
 - b. The Department never received a change of address report, or verification of a new address for the Appellant.
 - c. The Department received four pieces of returned mail for the Appellant, on [REDACTED] 2019, [REDACTED], 2019, [REDACTED], 2019 and [REDACTED], 2019.

(Ex. 4: Document Searches)

13. The Appellant declined the opportunity to examine the four pieces of returned mail to determine what information they might contain. (Appellant's testimony)

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. Title 7 of the Code of Federal Regulations ("CFR") § 273.14(a) provides as follows:

General. 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. "Assistance units are required to complete a redetermination form at each redetermination". Uniform Policy Manual ("UPM") § 1545.25(A)
4. "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." UPM § 1545.25(D)
5. "The following actions must be timely completed in order to receive uninterrupted benefits: a. The redetermination form must be filed and completed; and b. The office interview must be completed, unless exempt from the requirement; and c. Required verification of factors that are conditions of eligibility must be provided." UPM § 1545.35(A)(2)
6. "Unless otherwise stated, assistance is discontinued on the last day of the redetermination month if eligibility is not reestablished through the redetermination process." UPM § 1545.40(A)(2)
7. In the FS program: "a. 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. b. Discontinuance is automatic, regardless of the reason for the incomplete redetermination. c. Good cause is not a consideration in the FS program." UPM § 1545.40(B)(2) ("FS" refers to "Food Stamps", the former name for SNAP)
- 8. The Department could not process the Appellant's SNAP renewal, because it was not in possession of a SNAP renewal form for her. A SNAP renewal document does not exist in the Department's records.**
- 9. The Department could not contact the Appellant at her new address, because it was not in possession of any information that showed her new address.**
- 10. The Appellant would only have been eligible for SNAP past [REDACTED], 2019, the end of her certification period, if her benefits were recertified for a new period of eligibility.**
- 11. The Department was correct when it discontinued the Appellant's SNAP benefits effective [REDACTED], 2019, because her benefits were not certified for a new period of eligibility.**

DISCUSSION


The Hearing Liaison acknowledged that if the Appellant's returned mail included information about her new address, as returned mail sometimes does, and the Department failed to act on the information, the failure to send notices and forms to the Appellant's correct address would have been the Department's error. The Appellant saw no point in examining the returned mail, however. She never reported her new address

to the Post Office and did not believe the returned mail would contain any useful information.

The Appellant was credible when she testified that she left information in the Department's drop box. Whatever information she dropped off never made it to its intended destination in the Department's electronic repository of documents, however. Whether this was due to the Department's error, or because the information was mislabeled by the Appellant, is a fact that there is insufficient information to reach any conclusion on. Whichever was true, the Department did not have the ability to renew the Appellant's benefits without being in possession of a renewal form for her.

DECISION

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



James Hinckley
Hearing Officer

cc: Rachel Anderson
Cheryl Stuart
Lisa Wells
Jacqueline Taft

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 06105-3725.

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.