

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

██████████ 2020
Signature confirmation

Case: ██████████
Client: ██████████
Request: 150517

NOTICE OF DECISION

PARTY

██████████

PROCEDURAL BACKGROUND

On ██████████ 2019, the Department of Social Services (the "Department") issued a *Notice of Action* to ██████████ (the "Appellant") discontinuing her Supplemental Nutrition Assistance Program ("SNAP") benefits effective ██████████ 2019.

On ██████████ 2019, the Appellant telephoned a request for an administrative hearing with the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH").

On ██████████ 2019, the OLCRAH scheduled the administrative hearing for ██████████ 2020.

On ██████████ 2020, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes and Title 7, section 273.15 of the Code of Federal Regulations, the OLCRAH held an administrative hearing. The following individuals participated in the proceeding:

██████████, Appellant
Kristin Haggan, Department's representative
Eva Tar, Hearing Officer

The administrative hearing record closed ██████████ 2020.

STATEMENT OF ISSUE

The issue is whether the Department correctly discontinued the Appellant's SNAP benefits effective ██████████, 2019.

FINDINGS OF FACT

1. The Appellant was due for a SNAP renewal in [REDACTED] 2019. (Department representative testimony)
2. On [REDACTED] 2019, the Department received the Appellant's [REDACTED] 2019 SNAP application, filed online. (Department's Exhibit 1)
3. The Appellant is the sole owner of [REDACTED] account [REDACTED] (the "account"). (Appellant testimony)(Appellant Exhibit A)
4. The Appellant reported her account as having a balance of \$4,000.00 on the [REDACTED] 2019 SNAP application. (Department's Exhibit 1)
5. On [REDACTED] 2019, the account had a balance of \$9,830.11. (Appellant Exhibit A)
6. On [REDACTED] 2019, the Department denied the Appellant's [REDACTED] 2019 SNAP application, issuing a *Notice of Action* citing "[t]he value of your assets is more than the amount we allow you to have." (Department's Exhibit 3)
7. On [REDACTED] 2019, the account had a balance of \$77.28. (Appellant Exhibit A)
8. The SNAP asset limit was \$3,500.00. (Department representative testimony)
9. 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 [REDACTED] 2019, this final decision was not due until [REDACTED] 2020. This decision is timely.

CONCLUSIONS OF LAW

1. The Department of Social Services is the designated state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008. Conn. Gen. Stat. § 17b-2.
2. Title 7, Section 273.14 (e)(2) of the Code of Federal Regulations ("C.F.R.") provides in part: "Notwithstanding the State's right to issue a denial prior to the end of the certification period, the household has 30 days after the end of the certification period to complete the process and have its application be treated as an application for recertification. If the household takes the required action before the end of the certification period, the State agency must reopen the case and provide a full month's benefits for the initial month of the new certification period...." 7 C.F.R. § 273.14 (e)(2).

The Appellant correctly filed a SNAP application with the Department prior to the last day of her certification period.

The Department correctly treated the Appellant's SNAP application as an application for recertification.

In accordance with 7 C.F.R. § 273.14 (e)(2), the Department must reopen the Appellant's SNAP case and provide a full month of benefits for the initial month of the new certification period, or ██████████ 2019.

3. Title 7, Section 273.8 (c) of the Code of Federal Regulations ("C.F.R.") provides in part: *Definition of resources*. In determining the resources of a household, the following shall be included and documented by the State agency in sufficient detail to permit verification
- (1) Liquid resources, such as cash on hand, money in checking and savings accounts, saving certificates, stocks or bonds, and lump sum payments as specified in §273.9(c)(8); and
 - (2) Nonliquid resources, personal property, licensed and unlicensed vehicles, buildings, land, recreational properties, and any other property, provided that these resources are not specifically excluded under paragraph (e) of this section. The value of nonexempt resources, except for licensed vehicles as specified in paragraph (f) of this section, shall be its equity value. The equity value is the fair market value less encumbrances.
 - (3) For a household containing a sponsored alien, the State agency must deem the resources of the sponsor and the sponsor's spouse in accordance with §273.4(c)(2).

7 C.F.R. § 273.8 (c).

The Appellant's account is a liquid resource that is counted toward the SNAP asset limit.

4. "The maximum allowable liquid and non-liquid financial resources of all members of a household without members who are elderly or have a disability shall not exceed \$2,000, as adjusted for inflation in accordance with paragraph (b)(1) and (b)(2) of this section. For households including one or more member who is elderly or has a disability, such financial resources shall not exceed \$3,000, as adjusted for inflation in accordance with paragraph (b)(1) and (b)(2) of this section...." 7 C.F.R. § 273.8 (b).

On ██████████ 2019, the Department incorrectly denied the Appellant's SNAP application, as the Appellant has now proved that her liquid resource had a balance of less than \$3,500.00 on that date.

DISCUSSION

On ██████████ 2019, the Department issued a *Notice of Action* terminating the Appellant's SNAP benefits effective ██████████ 2019, citing as its reason for the action that the Appellant's assets exceeded the program's limits. The Department's representative testified that the SNAP asset limit equaled \$3,500.00.

At the [REDACTED] 2020 hearing, the Appellant submitted a printout verifying that her account had a balance of \$77.28 on [REDACTED] 2019.

The Department must reopen the Appellant's SNAP case. The Department may also follow up on the Appellant's verbal report that her work hours had been reduced.

DECISION

The Appellant's appeal is GRANTED.

ORDER

1. If it has not already done so, the Department will reopen the Appellant's SNAP case and review the new evidence that the Appellant submitted for the [REDACTED] 2020 administrative hearing.
 - Should the Department require additional verification from the Appellant regarding her assets and/or transfers, the Department will request in writing the documents needed from the Appellant and will give a deadline for the documents' submission.
 - Should the Department require additional verification from the Appellant regarding her reported change in wages and work schedule, the Department will request in writing the documents needed from the Appellant and will give a deadline for the documents' submission.
2. Within 14 calendar days of the date of this decision, or [REDACTED] 2020, documentation of compliance with this order is due to the undersigned.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Cc: Kristin Haggan, DSS-Norwich
E.Tyler Nardine, DSS-Norwich
Cheryl Stuart, DSS-Norwich

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.