

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: 150442

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2019, the Department of Social Services (the "Department") issued a *Notice of Action* to ██████████ (the "Appellant") reducing her Supplemental Nutrition Assistance Program ("SNAP") benefits from \$194.00 per month to \$190.00 per month, effective ██████████ 2020.

On ██████████ 2019, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") received the Appellant's faxed request for an administrative hearing. On ██████████ 2020, 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, the OLCRAH held an administrative hearing. The Appellant declined to reschedule the hearing when an interpreter was unavailable. The Appellant waived the use of an interpreter.

The following individuals participated by telephone:

██████████, Appellant
██████████, Appellant's authorized representative
Shanita Stephenson, Department's representative
Eva Tar, Hearing Officer

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

STATEMENT OF ISSUE

The issue was whether the Department correctly determined that the Appellant was eligible for \$190.00 per month in SNAP benefits, effective [REDACTED] 2020.

FINDINGS OF FACT

1. In 2019, the Appellant grossed \$1,139.00 per month in Social Security benefits. (Department representative testimony)(Department Exhibit 1)
2. In [REDACTED] 2019, the Department issued the Appellant \$194.00 in SNAP benefits. (Department representative testimony)(Department Exhibit 1)
3. Effective [REDACTED] 2020, the Appellant's gross monthly Social Security benefits increased to \$1,157.00. (Department representative testimony)(Department Exhibit 1)
4. The Department recalculated the Appellant's SNAP benefits to incorporate the increase in the Appellant's Social Security benefits effective [REDACTED] 2020. (Department representative testimony)
5. On [REDACTED] 2019, the Department issued a *Notice of Action* to the Appellant reducing her SNAP benefits to \$190.00 per month, effective [REDACTED] [REDACTED] 2020. (Department Exhibit 1)
6. The Appellant and the Appellant's authorized representative "understand and no longer disagree" with the Department's calculation of the Appellant's SNAP benefits to equal \$190.00 per month, effective [REDACTED] 2020. (Appellant's authorized representative testimony)
7. Title 7, Section 273.15 (c) of the Code of Federal Regulations ("C.F.R.") 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. Section 17b-2 of the Connecticut General Statutes in part designates the Department of Social Services as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

"The commissioner shall make periodic investigations to determine eligibility and may, at any time, modify, suspend or discontinue an award previously made when such action is necessary to carry out the provisions of the ... supplemental nutrition assistance program." Conn. Gen. Stat. § 17b-80 (a).

The Department, at any time, has the authority to review, modify, suspend, or discontinue the Appellant's SNAP benefits so as to come into compliance with federal rules governing the SNAP.

2. "Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section." 7 C.F.R. § 273.9 (b)(1).

"Unearned income shall include, but not be limited to: ... (ii) Annuities; pensions; retirement, veteran's, or disability benefits; worker's or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in § 272.12; *old-age, survivors, or social security benefits*; strike benefits...." 7 C.F.R. § 273.9 (b)(2)(ii) (emphasis added).

The Appellant's gross monthly Social Security benefits are counted income for the SNAP.

The Department acted within its authority to recalculate the Appellant's SNAP benefits to incorporate the [REDACTED] 2020 increase to the Appellant's gross monthly Social Security benefits.

3. "The State agency shall take prompt action on all changes to determine if the change affects the household's eligibility or allotment. ... (2) *Decreases in benefits.* (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...." 7 C.F.R. § 273.12 (c)(2)(i).

The Department correctly notified the Appellant of the reduction of her SNAP benefits from \$194.00 to \$190.00 per month, as the Department issued its *Notice of Action* at least 10 days' notice prior to the [REDACTED] 2020 change in her SNAP benefits.

DECISION

The issue of this hearing is moot. The Appellant and her authorized representative no longer disagree with the Department's [REDACTED] 2019 determination that the Appellant was eligible for \$190.00 per month in SNAP benefits, effective [REDACTED] 2020.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Cc: Shanita Stephenson, DSS-Danbury
Carol Sue Shannon, DSS-Danbury
Peter Bucknall, DSS-Waterbury
Jamel Hilliard, DSS-Waterbury

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.