

STATE OF CONNECTICUT  
DEPARTMENT OF SOCIAL SERVICES  
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS  
55 FARMINGTON AVENUE  
HARTFORD, CT 06105-3725

██████████, 2020  
Signature Confirmation

Case ID # ██████████  
Client ID# ██████████  
Request #156418

NOTICE OF DECISION

PARTY

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

On ██████████, 2020, the Department of Social Services (the "Department"), sent ██████████ ██████████ (the "Appellant") a Notice of Action ("NOA") granting Supplemental Nutrition Assistance Program ("SNAP") benefits effective ██████████, 2020.

On ██████████ 2020, the Appellant requested a hearing to contest the effective date of SNAP benefits.

On ██████████ 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling a telephonic administrative hearing for ██████████ 2020.

On ██████████ 2020, 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  
Rose Montinat, Department's representative

Swati Sehgal, Hearing Officer

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department's decision to grant the Appellant's SNAP benefits effective [REDACTED] 2020, was correct.

### **FINDINGS OF FACT**

1. On [REDACTED], 2020, the Appellant contacted the Department regarding his SNAP benefits. The Appellant's SNAP benefits were closed as of [REDACTED] 2019 when he was admitted to a Nursing Facility. The Appellant was advised to apply for SNAP benefits. (Exhibit 7: Case Notes)
2. On [REDACTED] 2020, the Appellant submitted a W1-E application for SNAP benefits. (Exhibit 6: Case Notes, Hearing Summary, Appellant's Testimony)
3. On [REDACTED] [REDACTED] 2020, the Department conducted a phone interview and processed the Appellant's SNAP application. (Hearing Summary, Exhibit 6)
4. On [REDACTED] 2020, the Department determined the SNAP eligibility and issued a Notice informing the Appellant his SNAP benefits are approved with a benefit start date of [REDACTED], 2020. (Exhibit 3: Notice of Action, [REDACTED]/20)
5. 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 [REDACTED] [REDACTED], 2020. This decision, therefore, was due no later than [REDACTED], 2020. (Hearing Record)

### **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 Section § 273.2(c)(1)(i) of the Code of Federal Regulations ("CFR") provides for filing an application; Households must file SNAP applications by

submitting the forms to the SNAP office either in person, through an authorized representative, by mail, by completing an on-line electronic application, or, if available, by fax, telephone, or other electronic transmission.

3. Title 7 CFR § 273.2 (c)(1)(iv) provides for the filing date; The date of application is the date the application is received by the State agency.
4. "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)).
5. UPM § 1505.10(B) (1) provides that individuals who desire to obtain aid must file a formal request for assistance. (2) The formal request must be made in writing on the application form. (5) Telephone contacts or other requests for aid which are not written, do not contain the required information, or are not made on the prescribed application form are considered inquiries and do not constitute an application.
6. UPM § 1505.10(D)(3) provides for Food Stamp applications, except as noted below in 1510.10 D.4, the date of application is considered to be the date that a signed application form is received by: a. the appropriate District Office designated to serve the applicant's geographic region of residence; or b. an office of the Social Security Administration.
7. The Department correctly determined that the Appellant filed a formal request for assistance on [REDACTED], 2020.
8. Title 7 CFR § 273.2 (d) (1) provides for household cooperation and states in part to determine eligibility, the application form must be completed and signed, the household or its authorized representative must be interviewed, and certain information on the application must be verified.
9. UPM § 1560.15(A) provides for beginning dates of assistance for food stamp (SNAP) assistance; For assistance units which fully cooperate in providing eligibility information, the beginning date of Food Stamp assistance is the date the Department receives a signed application, or the first day of a subsequent month in which all eligibility factors are met, if eligibility does not exist in the month of application, except for prerelease applicants.
10. The Department correctly determined that the Appellant met the verification and eligibility factors.
11. The Department correctly determined that the Appellant submitted a signed SNAP application on [REDACTED] 2020.

12. The Department correctly granted the Appellant's SNAP benefit effective [REDACTED], 2020, the date in which the Department received a signed application from the Appellant.

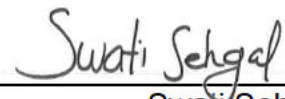
### **DISCUSSION**

After reviewing the evidence and testimony presented at this hearing, It is determined that the Department's action to grant SNAP benefits with an effective date of [REDACTED] 2020, is upheld. The Appellant argued that he called the Department on [REDACTED], 2020, and was advised to apply for SNAP benefits. However, due to COVID -19, he had difficulty applying. Based on the Department's Policy and Federal Regulations, the individual who desires to obtain aid must file a formal request for assistance. The record reflects that the Appellant submitted his application on [REDACTED], 2020, and the Department granted his SNAP benefits as of that date.

The Appellant also argued that he tried to get SNAP benefits in [REDACTED] 2019 when he was in the Nursing Facility because he is vegetarian and did not get the food he could eat and spent his money to buy food. The Department testified that the Appellant's Snap Benefits closed when he entered the Nursing Facility. That issue is not addressed in this decision as it is outside the scope of this hearing. The Appellant did not exercise his right to a hearing at the time his SNAP benefits were closed.

### **DECISION**

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



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Swati Sehgal  
Hearing Officer

CC: Judy Williams, Operations Manager, DSS, R.O. #10, Hartford  
Musa Mohamad, Operations Manager, DSS, R.O.# 10, Hartford  
Jessica Correl, Operation Manager, DSS, R.O. #10, Hartford  
Jay Bartolomei, Hearing Liasion Supervisor, DSS, R.O. #10, Hartford  
Rose Montinat, Hearing Liasion, DSS, RO. #10, Hartford

### **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.