

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: 159441

**NOTICE OF DECISION**

**PARTY**

██████████

**PROCEDURAL BACKGROUND**

On ██████████, 2020, the Department of Social Services (the "Department") issued ██████████ (the "Appellant") a *Notice of Action* terminating his Supplemental Nutrition Assistance Program ("SNAP") benefits effective ██████████ 2020.

On ██████████ 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") received the Appellant's faxed hearing request.

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 by telephone conferencing. The following individuals participated:

██████████ Appellant  
Princess O'Reggio, Department's representative  
Eva Tar, Hearing Officer

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

**STATEMENT OF ISSUE**

The issue is whether federal regulations governing the SNAP support the Department's discontinuance of the Appellant's SNAP benefits effective ██████████ 2020.

### FINDINGS OF FACT

1. On [REDACTED] 2020, the Appellant filed his SNAP renewal form online. (Exhibit 1)
2. On [REDACTED] 2020, the Department mailed the Appellant an *Interview Notice*, instructing him to call its Benefits Center between 7:30 a.m. and 3:30 p.m. on [REDACTED], 2020 to complete his telephone interview. (Exhibit 5)
3. On [REDACTED], 2020, the Department mailed the Appellant a *Notice of Missed Interview*, stating that as he had missed his [REDACTED] 2020 interview, he would need to complete an interview by calling its Benefits Center by [REDACTED], 2020 in order to continue to receive SNAP benefits. (Exhibit 6)
4. The Appellant did not complete a telephone interview with the Department. (Appellant Testimony)
5. On [REDACTED], 2020, the Department issued a *Notice of Action* terminating the Appellant's SNAP benefits effective [REDACTED], 2020. (Exhibit 4)
6. Title 7, Code of Federal Regulations ("C.F.R.") 273.15 (c)(1) provides in part that "[w]ithin 60 days of receipt of a request for a 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 faxed hearing request on [REDACTED] 2020, 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 as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.
2. Title 7, Code of Federal Regulations ("C.F.R.") Section 273.14 (b)(3) provides: "*Interview*. As part of the recertification process, the State agency must conduct an interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The provisions of §273.2(e) also apply to interviews for recertification...."

"State agencies shall schedule interviews so that the household has at least 10 days after the interview in which to provide verification before the certification period expires. If a household misses its scheduled interview, the State agency shall send the household a Notice of Missed Interview that may be combined with the notice of denial. If a household misses its scheduled interview and requests another interview, the State agency shall schedule a second interview." 7 C.F.R. § 273.14 (b)(3)(iii).

**The Appellant had to complete a telephone interview to complete his SNAP recertification.**

The Department correctly scheduled the Appellant's [REDACTED] 2020 telephone interview to allow him at least 10 days to provide requested verification prior to [REDACTED], 2020, the final day of his certification period.

The Department correctly issued a *Notice of Missed Interview* to the Appellant when the Appellant failed to complete the [REDACTED] 2020 telephone interview.

3. Title 7, Code of Federal Regulations ("C.F.R.") Section 273.14 (a) addresses recertification, and provides:

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.

7 C.F.R. § 273.14 (a).

The Appellant failed to fulfill the interview requirement of the SNAP by [REDACTED], 2020, the final day of his certification period.

Federal regulations governing the SNAP support the Department's discontinuance of the Appellant's SNAP benefits effective [REDACTED] 2020.

#### DECISION

The Appellant's appeal is DENIED.

*Eva Tar-electronic signature*  
Eva Tar  
Hearing Officer

Pc: Princess O'Reggio, DSS-Bridgeport  
Fred Presnick, DSS-Bridgeport  
Yecenia Acosta, DSS-Bridgeport  
Tim Latifi, DSS-Bridgeport

### **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.