

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

Client ID ██████████
Request #160578

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) discontinuing his benefits from the Supplemental Nutrition Assistance Program (“SNAP”) benefits because he did not cooperate with a Quality Control review.

On ██████████ 2020, the Appellant requested an administrative hearing to appeal the Department’s discontinuance of his SNAP benefits.

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

On ██████████ 2020, at the Appellant’s request, OLCRAH issued a notice rescheduling the hearing for ██████████ 2020. The hearing was scheduled to be held telephonically due to the COVID-19 pandemic.

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 Appellant had no objection to the hearing being held telephonically. The following individuals were present at the hearing:

██████████ Appellant
██████████ Appellant’s friend

Taneisha Hayes, Department's Hearing Liaison
James Hinckley, Hearing Officer

STATEMENT OF THE ISSUE

1. Whether the Department was correct when it discontinued the Appellant's SNAP benefits based on noncooperation with a Quality Control review.

FINDINGS OF FACT

1. The Appellant's SNAP case was selected for a Quality Control ("QC") review for the review month of ██████████ 2020. (Hearing Record)
2. On ██████████ 2020, the Manager of the QC unit sent a memorandum to the Adult General Eligibility Division regarding the Appellant's case that stated, in relevant part, "Please be advised that the above captioned case was selected for a Quality Control review. Recipient is able to cooperate, but has failed to comply with Quality Control to complete the review process. Please initiate appropriate action as instructed in SNAP Policy Manual – Disqualification for Refusal to Cooperate; as this is an indication of non-cooperation with Quality Control. The ██████████ review month falls within the ██████████ 9 through ██████████ 0 federal fiscal year. *The penalty period should therefore end 125 days later on ██████████ 21....*" [Citations omitted; italics in original] (Ex. 2: Memorandum from the Department's QC Unit)
3. On ██████████ 2020, a Department Eligibility Worker entered a case note indicating that a non-compliance penalty was being applied to the Appellant's case for failure to cooperate with the Quality Control review process, and that the 125-day penalty was to end o ██████████/2021. The note also stated "Snap will close effective ██████████. Client needs to cooperate with Quality Control before being granted Snap." (Ex. 4: Case Note)
4. On ██████████ 2020, the Department issued an NOA to the Appellant discontinuing his SNAP benefits effective ██████████ for the reason "You did not cooperate with a Quality Control review." (Ex. 1: NOA)
5. The Appellant "refused to complete the Quality Control interview process. He informed the QC reviewer twice that he wasn't willing to do the phone interview at the time the reviewer spoke with him. Also paperwork submitted to QC is incomplete. The client refused to provide a phone number therefore, QC has been unable to contact him." (Ex. 5: ██████████ email from QC reviewer to Hearing Liaison)

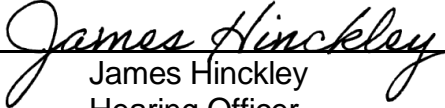
CONCLUSIONS OF LAW

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. "A sample of households which were certified prior to, or during, the sample month and issued SNAP benefits for the sample month shall be selected for quality control review. These active cases shall be reviewed to determine if the household is eligible and, if eligible, whether the household is receiving the correct allotment." Title 7 of the Code of Federal Regulations ("C.F.R.") section 275.12(a)
3. "A full field investigation shall be conducted for all active cases selected in the sample month... The field investigation will include interviews with the head of household..." 7 C.F.R. § 275.12(c)
4. "Households are required to cooperate with Federal QC reviewers. Refusal to cooperate shall result in termination of the household's eligibility. The Federal reviewer shall follow the procedures in § 275.12(g)(1)(ii) in order to determine whether a household is refusing to cooperate with the Federal QC reviewer. If the federal reviewer determines that the household has refused to cooperate, as opposed to failed to cooperate, the household shall be reported to the State agency for termination of eligibility." 7 C.F.R. § 275.3(c)(5)
5. "Instances where the household's unwillingness to cooperate in completing a quality control review has the effect of a refusal to cooperate shall include the following:... (B) The household does not attend an agreed upon interview with the reviewer and then does not contact the reviewer within 10 days of the date of the scheduled interview to reschedule the interview..." 7 C.F.R. § 275.12(g)(1)(ii)
6. "(T)he household shall be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility as part of a quality control review. If a household is terminated for refusal to cooperate with a quality control reviewer, in accordance with §§ 275.3(c)(5) and 275.12(g)(1)(ii) of this chapter, the household may reapply but shall not be determined eligible until it cooperates with the quality control reviewer. If a household terminated for refusal to cooperate with a State quality control reviewer reapplies after 125 days from the end of the annual review period, the household shall not be determined ineligible for its refusal to cooperate..." 7 C.F.R. § 273.2(d)(2)
7. **The Department correctly determined that the Appellant refused to cooperate with a QC review.**
8. **The Department correctly determined that refusal to cooperate with a QC review results in termination, and that the terminated household is ineligible until it cooperates with the QC review, or until 125 days from the end of the annual review period.**

9. The Department was correct when it discontinued the Appellant's SNAP benefits effective [REDACTED] 2020, for refusing to cooperate with a QC review.

DECISION

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


James Hinckley
Hearing Officer

cc: Musa Mohamud
Judy Williams
Jessica Carroll
Jay Bartolomei
Taneisha Hayes

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.