

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

[REDACTED], 2020
Signature Confirmation

Case ID [REDACTED]
Client ID [REDACTED] 9
Request # 161427

NOTICE OF DECISION

PARTY

[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED], 2020, the Department of Social Services (the "Department") sent [REDACTED] (the "Appellant") a Notice of Action discontinuing her Supplemental Nutrition Assistance Program ("SNAP") benefits effective [REDACTED] 2020, because she did not submit a completed Periodic Review Form ("PRF").

On [REDACTED] 2, 2020, the Appellant requested an administrative hearing to contest the Department's decision to discontinue her SNAP benefits.

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

On [REDACTED], 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. Due to COVID-19 concerns, the hearing was held telephonically. No party objected to the hearing being held in that manner. The following individuals were present at the hearing:

[REDACTED], the Appellant
Joseph Alexander, Department's representative
Swati Sehgal, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department was correct when it discontinued the Appellant's SNAP benefits effective [REDACTED] 2020, because she failed to return the periodic review form ("PRF").

FINDINGS OF FACT

1. [REDACTED] 2020, the Department mailed the Appellant a PRF with instructions to return the completed form by [REDACTED] 2020. The notice also advised her that failure to return the PRF would result in the discontinuance of his SNAP benefits effective [REDACTED] 2020. (Exhibit 2: Periodic Report Form dated [REDACTED]/20, Hearing Summary)
2. On [REDACTED] 2020, the Department did not receive PRF. (Hearing Summary and Department's testimony, Exhibit 4: Impact Document Search Print out)
3. On [REDACTED] 2020, the Department sent the Appellant a notice stating that her SNAP benefits would be discontinued effective [REDACTED] 2020, because she did not complete the PRF process. (Exhibit 3: Notice of Action dated [REDACTED]/20)

CONCLUSIONS OF LAW

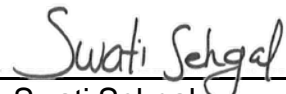
1. Section 17b-2 of the Connecticut General Statutes, authorizes the Commissioner of the Department of Social Services to administer the SNAP in accordance with federal law.
2. Title 7 of the Code of Federal Regulations ("CFR") § 273.12(a)(5)(iii)(A) provides that the State agency may require a household to submit a periodic report on its circumstances from once every 4 months up to once every 6 months.
3. 7 CFR § 273.12(a)(5)(iii)(D) provides that if a household fails to file a complete report by the specified filing date, the State agency will send a notice to the household advising it of the missing or incomplete report no later than 10 days from the date the report should have been submitted. If the household does not respond to the notice, the household's participation shall be terminated. The State agency may combine the notice of a missing or incomplete report with the adequate notice of termination described in paragraph (a)(5)(iii)(C) of this section.
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 (1994) (citing Conn. Gen. Stat. § 17b-10; Richard v. Commissioner of Income Maintenance, 2017 Conn. 601, 573 A.2d 712 (1990)).

5. Uniform Policy Manual (“UPM”) § 1010.05(C)(6)(a) provides that the assistance unit must satisfy certain procedural requirements as described in Section 3500 including cooperating with the Department as necessary. Cooperation includes taking steps as required by the Department to complete the eligibility determination, periodic redetermination of eligibility, interim changes in eligibility or benefit level, and Quality Control reviews.
6. The Department was correct when it discontinued the Appellant’s SNAP benefits because the Appellant failed to return the completed PRF. The Department sent the Appellant proper notice, to advise her of the PRF requirements and the consequences for failing to return the completed PRF by the date it was due.

DECISION

The Appellant’s appeal is **DENIED.**


Swati Sehgal
Hearing Officer

Pc: Yecenia Acosta, Operations Manager, DSS, Bridgeport Office
Tim Latifi, Operation Manager, DSS, Bridgeport Office

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.