

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 # 164672

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the “Department”) issued a notice of action (“NOA”) to ██████████ (the “Appellant”) advising that her benefits from the Supplemental Nutrition Assistance Program (“SNAP”) program will be closed effective ██████████ 2020, because she did not complete the renewal process.

On ██████████ 2020, the Appellant requested an administrative hearing because she disagrees with the Department’s decision to discontinue 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, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephone. The following individuals participated in the hearing:

██████████, Appellant
Princess O’Reggio, Department’s Representative
Swati Sehgal, Hearing Officer

STATEMENT OF THE ISSUE

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

FINDINGS OF FACT

1. The Appellant received SNAP benefits for a household of four consisted of herself, her two children and their father. (Appellant's testimony, Exhibit 4 5: Notice of Action, [REDACTED]/20)
2. On [REDACTED], 2020, the Department sent the Appellant a Notice of Renewal to the Appellant. (Hearing Summary; Department's Testimony)
3. On [REDACTED] 2020, the Department received the Appellant's completed Renewal. (Exhibit 1: Case Notes, Hearing Summary)
4. On [REDACTED], 2020, the Department closed the Appellant's SNAP benefits effective [REDACTED] 2020, for failure to submit the Renewal Form. (Exhibit 4)
5. On [REDACTED] 2020, the Department found and processed the Appellant's Renewal. The Department determined that the Appellant needed to complete a telephone interview to complete the renewal process. The Department attempted to call the Appellant two times, received busy tone and was unable to leave a message. (Exhibit 1)
6. On [REDACTED] 2020, the Department sent the Appellant W-1348, Proofs We Need Form requesting proof of Unemployment benefits for the Appellant, Proof of Self employment and proof of Unemployment benefits for [REDACTED]. (Exhibit 2: W-1348, Department's Testimony)
7. On [REDACTED], 2020, the Department sent the Appellant an Interview Notice stating that the Renewal form had been received and she must have an interview before the due date; her interview due date was [REDACTED] 2020. The Notice further stated that the Appellant's benefits will remain closed if she does not have the interview and send in all the required proofs by [REDACTED], 2020. (Exhibit 3: Interview Notice, [REDACTED]/20)
8. On [REDACTED], 2020, the Department received proof of unemployment benefits for the Appellant and [REDACTED]. (Exhibit 1)
9. On [REDACTED] 2020, the Department processed the received information and determined that the Appellant did not complete the telephone interview and provided self-employment information as listed on W-1348. The Department placed two

phone calls to phone numbers listed on the case record with no response. The SNAP remained closed. (Exhibit 1)

10. 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] 2020, this decision was due not later than [REDACTED] 2020, and is therefore timely. (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 of the Code of Federal Regulations (“CFR”) § 273.14(b)(2) provides that the State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time application for recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in paragraph (e)(3) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the case file, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in § 273.2(b)(2) and provide the household with a notice of required verification as specified in § 273.2(c)(5).
3. The Department correctly issued notices to the Appellant informing her that a SNAP renewal of eligibility must be completed or benefits will be discontinued.
4. Title 7 Section 273.2 (e) (1) CFR provides that except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter.
5. “The department’s uniform policy manual 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*, 214 Conn. 601, 573 A.2d 712(1990))
6. UPM § 1505.30 (A)(2)(b) provides that the office interview is conducted as a condition of eligibility in the SNAP program.

7. Title 7 Section 273.2 (e) (2) CFR provides in part that the State agency may opt to waive the face-to-face interview in favor of a telephone interview for all households which have no earned income and all members of the household are elderly or disabled. The State agency has the option of conducting a telephone interview or a home visit that is scheduled in advance with the household if the office interview is waived.
8. The Department was correct when it scheduled a telephone interview for the Appellant.
9. UPM § 1505.30(H)(1)(a) provides for application interviews and states in part that the Department does not schedule a second interview if an applicant fails to appear for the application interview and fails to contact the Department to reschedule.
10. The Department correctly attempted to complete a telephone interview after receiving the Appellant's renewal form.
11. The Department correctly sent the notice requesting that the Appellant contact the Department for an interview.
12. Title 7 of the CFR § 273.14(a) provides that 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.
13. The Department was correct to discontinue the Appellant's SNAP benefits effective [REDACTED] 2020, for failure to complete the recertification process

DISCUSSION

The Appellant testified that she did not receive the interview Notice and therefore failed to complete the telephone interview. The Appellant also stated the Department asked for self-employment information which did not exist. The Department's position is that Interview Notice and W-1348 were mailed to the Appellant at the same time, and if she has called to complete the phone interview the confusion about self-employment would have been cleared as it sprouted from the Department of Labor inquiry. The regulations are clear that the household may not continue to receive benefits when eligibility has not been established. The Appellant did not complete the required telephone interview to

establish eligibility before the interview due date. The Department's action to discontinue the SNAP benefits is upheld. The Appellant is encouraged to reapply.

DECISION

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


Swati Sehgal
Hearing Officer

Cc: Yecenia Acosta, Operations Manager, DSS, R.O. #30, Bridgeport
Tim Latifi, Operations Manager, DSS, R.O. #30, Bridgeport
Princess O'Reggio, Fair Hearings Liaison, DSS, R.O. #30, 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 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, 165 Capitol Avenue, 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.