

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 ██████████
Case ID # ██████████
Request #166738

NOTICE OF DECISION

PARTY

██████████
██████████
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PROCEDURAL BACKGROUND

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

On ██████████ 2020, the Appellant requested an administrative hearing to contest the Department’s decision to discontinue such 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 were present at the hearing:

██████████, Appellant
Kristin Haggan, Department’s Representative
Scott Zuckerman, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to discontinue the Appellant's SNAP benefits for failure to complete a redetermination is correct.

FINDINGS OF FACT

1. The Appellant's household received SNAP benefits through [REDACTED] 2020. (Exhibit 4: Case Notes)
2. On [REDACTED] 2020, the Appellant submitted a W-1ER, Notice of Renewal of Eligibility for redetermination of SNAP benefits. (Hearing Summary, Exhibit 1: W-1ER, [REDACTED] 2020)
3. On [REDACTED], 2020, the Department reviewed the Appellant's renewal form. (Exhibit 4: Case notes)
4. On [REDACTED] 2020, the Department placed two calls to the Appellant, leaving a message to call for a SNAP telephone interview and sent him a W-3015N, Interview Notice. The notice stated "We must interview you before [REDACTED] 2020. If we need any proofs from you, we will tell you during the interview. (Department's testimony and Exhibit 4: Case notes)
5. On [REDACTED] 2020, the Department sent the Appellant a Notice of Action. The notice stated that SNAP benefits closed effective [REDACTED] 2020 for the reason, "renewal process not completed". (Exhibit 3: Notice of Action, [REDACTED]/2020)
6. On [REDACTED] 2020, the Appellant requested an administrative hearing. (Hearing Record)
7. On [REDACTED], 2020, the Department after receiving and reviewing the Appellant's request for a hearing, made attempts to contact the Appellant for a SNAP phone interview. The Department left the Appellant a voice mail message. (Department's Testimony and Exhibit 4: Case Notes)
8. 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. Therefore, this decision is due not later than [REDACTED] 2021.

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. “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)).
3. Title 7 of the Code of Federal Regulations (“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.
4. “The Department is required to provide assistance units with timely notification of the required redetermination.” Uniform Policy Manual (“UPM”) § 1545.15 (A) (1)

The Department correctly notified the Appellant that he must complete the redetermination process.

5. Title 7 CFR § 273.14(b)(3) provides that as part of the recertification process, the State agency must conduct a face to face 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. The State agency may choose to interview the household at interim recertification within the 12-month period. The requirement for a face-to-face interview once every 12 months may be waived in accordance with §273.2(e)(2).

“The office interview is conducted as a condition of eligibility in the following programs: Food Stamps. UPM § 1505.30(A)(2)(b)
6. Title 7 of the CFR § 273.2(e)(2) provides that the State agency may use a telephone interview instead of the face-to-face interview required in paragraph (e)(1) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency. The hardship conditions must include, but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural

area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household, and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

“For the FS program, the Department conducts a telephone interview or a home visit once every twelve months if the office interview is waived.” UPM § 1505.30(G)(3)

7. Title 7 CFR § 273.14(b)(4) provides that information provided by the household shall be verified in accordance with §273.2(f)(8)(i). The State agency shall provide the household a notice of required verifications provided in §273.2(c)(5) and notify the household of the date by which the verification requirements must be satisfied. The household must be allowed a minimum of 10 days to provide the required verification information. Any household whose eligibility is not determined by the end of its current certification period due to the time period allowed for submitting any missing verification shall receive an opportunity to participate, if eligible, within 5 working days after the household submits the missing verification and benefits cannot be prorated.
8. Title 7 CFR § 273.14(e) (2) provides that If a household files an application before the end of the certification period, but fails to take a required action, the State agency may deny the case at that time, at the end of the certification period, or at the end of 30 days. Notwithstanding the State's right to issue a denial prior to the end of the certification period, the household has 30 days after the end of the certification period to complete the process and have its application be treated as an application for recertification. If the household takes the required action before the end of the certification period, the State agency must reopen the case and provide a full month's benefits for the initial month of the new certification period. If the household takes the required action after the end of the certification period but within 30 days after the end of the certification period, the State agency shall reopen the case and provide benefits retroactive to the date the household takes the required action. The State agency shall determine cause for any delay in processing a recertification application in accordance with the provisions of §273.3(h)(1).

“Assistance units are provided benefits without interruption by the first normal issuance date following the redetermination month if they timely complete the required actions of the redetermination process.” UPM § 1545.35(A)(1)

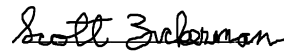
9. “The following actions must be timely completed in order to receive uninterrupted benefits:
 - a. The redetermination form must be filed and completed; and
 - b. The office interview must be completed, unless exempt from the requirement; and
 - c. Required verification of factors that are conditions of eligibility must be provided.” UPM § 1545.35(A)(2)
10. “Eligibility for the FS program is discontinued at the end of the redetermination period in all situations where the redetermination is incomplete and the assistance unit has not been recertified.” UPM § 1545.40(B)(2)(a)
11. “Discontinuance is automatic, regardless of the reason for the incomplete redetermination.” UPM § 1545.40(B)(2)(b)
12. “Good cause is not a consideration in the FS program.” UPM § 1545.40(B)(2)(c)
13. “Unless otherwise stated, assistance is discontinued on the last day of the redetermination month if eligibility is not reestablished through the redetermination process.” UPM § 1545.40 (A)(2)

The Department, after making several attempts to contact the Appellant by phone and sending him an Interview Notice, was unable to complete the telephone interview.

The Department correctly discontinued the Appellant’s SNAP benefits, effective [REDACTED], 2020 because the Appellant did not complete the telephone interview with the Department.

DECISION

The Appellant’s appeal is **DENIED**.


Scott Zuckerman
Hearing Officer

Pc: Cheryl Stuart, Operations Manager, DSS, Norwich Regional Office
Kristin Haggan, Fair Hearing Liaison, DSS, Norwich Regional 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.

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.