

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

██████████ 2020
Signature Confirmation

Case ID # ██████████
Client ID ██████████
Request #168345

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the "Department") issued ██████████ (the "Appellant") Denial Notice ("W1227") denying the Appellant's request for replacement of food purchased under the Supplemental Nutrition Assistance Program ("SNAP").

On ██████████, 2020, the Appellant requested an administrative hearing to contest the Department's action.

On ██████████, 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative 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, 17b-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing via teleconference. The hearing was held telephonically with no objection from any of the parties. The following individuals called in for the hearing:

██████████, Appellant
Christopher Filek, Department Representative
Swati Sehgal, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to deny the Appellant's request for replacement of food purchased due to a household misfortune or disaster under the SNAP was correct.

FINDINGS OF FACT

1. The Appellant is a recipient of benefits under the SNAP. She receives SNAP benefits for a household of one. (Hearing Record)
2. In [REDACTED], the Appellant received an allotment of \$194.00 under the SNAP. (Hearing Record)
3. On [REDACTED] 2020, tropical storm Isaias hit the State of Connecticut, causing widespread and protracted power outages throughout the state. (Hearing Record)
4. The Appellant incurred a loss of power due to storm Isaias resulting in the loss of refrigerated and frozen foods purchased with SNAP benefits. (Appellant's Testimony)
5. On [REDACTED] 2020, the Department extended the timeframe in which a household must report misfortune resulting in food lost regarding the tropical storm Isaias to [REDACTED]/20. (Department's Testimony)
6. On [REDACTED] 2020, the Department approved an automatic SNAP replacement issuance of 20% of a household's monthly benefit for all active SNAP households who may have experienced food loss due to storm Isaias. The Appellant received \$34.80. (Exhibit 1: Case Notes)
7. The Department obtained a waiver from FNS that allowed households up to 30 days to report losses of food purchased with SNAP as a result of storm Isaias. SNAP household had until [REDACTED] 3, 2020, to report to DSS that food purchased with SNAP benefits were lost due to Tropical Storm Isaias. (Department's Testimony)
8. On [REDACTED], 2020, the Department received a completed W1225 Request for Replacement of Food Purchased with SNAP Benefits form ("W1225") signed by the Appellant. The Appellant reported a loss greater than 20% of her total SNAP benefits. (Exhibit 1 and Appellant's Testimony, Exhibit 4: W1225 and W1226)

9. On [REDACTED] 2020, the Department notified the Appellant that her request for replacement of destroyed food purchased with SNAP was denied. The reason given for the denial was that her signed W-1225 request of replacement SNAP benefits was not received by the deadline date of [REDACTED] 2020. (Exhibit 1 and Department Representative's Testimony, Exhibit 4)
10. The issuance of this decision is timely under Title 7 Code of Federal Regulations Section 273.15(c)(1) which requires that a decision be issued within 60 days of the request for an administrative 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(7) of the Connecticut General Statutes provides that: The Department of Social Services is designated 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 of the Code of Federal Regulations ("C.F.R.") Section 274.6(a)(1) provides for: "*Providing replacement issuance.* Subject to the restrictions in paragraph (a)(3) of this section, State agencies shall provide replacement issuances to a household when the household reports that food purchased with Program benefits was destroyed in a household misfortune."

The Department correctly determined the loss of power due to storm Isais as a household misfortune under SNAP regulations.

3. "Replacement issuances shall be provided only if a household timely reports a loss orally or in writing. The report will be considered timely if it is made to the State agency within 10 days of the date food purchased with Program benefits is destroyed in a household misfortune." 7 C.F.R. § 274.6(a)(3)(i)
4. The Department's obtained a waiver from FNS extending to 30 days the time allowed to report food loss that resulted from tropical storm Isaias.
5. 7 CFR § 274.6(a)(4) provides as follows:
 - (i) Prior to issuing a replacement, the State agency shall obtain from member of the household a signed statement attesting to the household's loss. The required statement may be mailed to the State agency if the household member is unable to come into the office

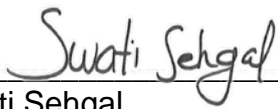
because of age, handicap, or distance from the office and is unable to appoint an authorized representative.

- (ii) If the signed statement or affidavit is not received by the State agency within 10 days of the date of the report, no replacement shall be made. If the 10th day falls on a weekend or holiday, and the statement is received the day after the weekend or holiday, the State agency shall consider the statement timely received.
- (iii) The statement shall be retained in the case record. It shall attest to the destruction of food purchased with the original issuance and the reason for the replacement. It shall also state that the household is aware of the penalties for intentional misrepresentation of the facts, including but not limited to, a charge of perjury for a false claim.

6. **The Appellant failed to timely submit to the Department a signed statement (W-1225) to meet the requirements of 7 CFR § 274.6(a)(4).**
7. **The Department correctly denied the Appellant's request for replacement SNAP benefits as the request was received after the deadline date of [REDACTED] 2020.**

DECISION

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



Swati Sehgal
Fair Hearing Officer

CC: Brian Sexton, Operations Manager, DSS RO #50, Middletown
Christopher Filek, Fair Hearing Liaison, DSS, RO #50, Middletown

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.