

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
25 SIGOURNEY STREET
HARTFORD, CT 06106-5033

██████████, 2021
Signature Confirmation

Case # ██████████
Client # ██████████
Request # 173265

NOTICE OF DECISION

PARTY

██████████
██████████
██

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") discontinuing the Supplemental Nutrition Assistance program ("SNAP") benefits effective ██████████ 2021.

On ██████████ 2021, the Appellant requested an administrative hearing to contest the Department's decision to discontinue such benefits.

On ██████████ 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a Notice scheduling the administrative hearing for ██████████ 2021.

On ██████████ 2021, the Appellant requested a re-schedule of the hearing, which was granted.

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On [REDACTED] 2021, 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 following individuals were present at the hearing:

[REDACTED] Appellant
Lucas Kennedy, Department Representative
Almelinda McLeod, Hearing Officer

The hearing record was held open for the submission of additional evidence from the Appellant. No further evidence was received. On [REDACTED] 2021 the hearing record was closed.

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. On [REDACTED] 2021, the Department issued a W-1ERL Notice of Renewal of Eligibility for SNAP benefits to the Appellant with a due date of [REDACTED] 2021. The notice stated "You must submit the renewal by [REDACTED] 2021 to receive uninterrupted benefits. You must complete your form and submit all required proofs by [REDACTED] [REDACTED] 2021 or your benefits may stop. (Exhibit 2, W-1ERL Notice of renewal)
2. The Appellant's certification period started on [REDACTED] 2020 and was to expire [REDACTED] 2021. (Exhibit 2, W-1ERL)
3. The Department conducted a document search under the Appellant's name, case number and client identification number. The Department had no record of receiving the Appellant's renewal form. (Hearing record)
4. On [REDACTED] 2021, the Department issued a Notice of Action ("NOA") notifying the Appellant the SNAP benefit closed effective [REDACTED] 2021 because the renewal form was not submitted, and the renewal process was not completed. (Exhibit 3, NOA)
5. 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] 2021. This decision which was due by [REDACTED] 2021 was delayed due to Appellant's request to re-schedule this administrative hearing on three occasions causing a 127-day delay on the closing of this administrative record; therefore, this decision is due no later than [REDACTED] 2021 and is timely.

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. "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*, 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. UPM § 1545.15 (A) (1) provides the Department is required to provide assistance units with timely notification of the required redetermination.
5. **The Department correctly notified the Appellant that the renewal process and all required proofs must be completed by [REDACTED] 2021.**
6. UPM § 1545.35 (A) (2) provides that the following must be timely completed 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.
7. UPM § 1545.40 (B) (2) (a) provides eligibility for the FS program is discontinued at the end of the redetermination period in all situations where the redetermination is incomplete and assistance unit has not been recertified.

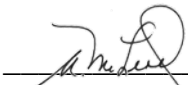
8. UPM § 1545.40 (B) (2) (b) provides that discontinuance is automatic regardless of the reason for the incomplete redetermination.
9. UPM § 1545.40 (B) (2) (c) provides that good cause is not a consideration in the FS program.
10. UPM § 1545.40 (A) (2) provides that unless otherwise stated, assistance is discontinued on the last day of the redetermination month if eligibility is not reestablished through the redetermination process.
11. **The Department correctly discontinued the Appellant's SNAP benefits effective [REDACTED] 2021 because the Department did not receive the required renewal form prior to the end of the Appellant's certification period. The Department is affirmed.**

DISCUSSION

The Appellant submitted the renewal on [REDACTED] 2021, the day she requested this administrative hearing. Since the renewal was received after the last date of her certification period, the Department accepted the renewal on [REDACTED] 2021 and processed the renewal as an application. The Appellant has the right to request a fair hearing on the results of the new SNAP application.

DECISION

The Appellant's appeal is DENIED.



Almelinda McLeod
Hearing Officer

CC: Brian Sexton, SSOM, Middletown
Lucas Kennedy, Fair Hearing Liaison, 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.