

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

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

Case ID # ██████████  
Client ID # ██████████  
Request # 163140

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████ 2020, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a notice of action discontinuing her Supplemental Nutritional Assistance Program ("SNAP") effective ██████████ 2020, for failure to complete the Periodic Report Form ("PRF") process.

On ██████████ 2020, the Appellant requested an administrative hearing online 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, OLCRAH, at the Appellant's request, issued a notice rescheduling the administrative hearing for ██████████ 2020.

On ██████████ 2020, under sections 17b-60, 17b-61, and 4-176e to 4-184 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephonic conferencing.

The following individuals participated by telephone:

██████████ Appellant  
Jacqueline Taft, Department Representative  
Christopher Turner, Fair Hearing Officer

## **STATEMENT OF THE ISSUE**

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

## **FINDINGS OF FACT**

1. On [REDACTED] 2020, the Department issued a PRF to the Appellant at her home address. The mailing instructed the Appellant to complete the PRF and return it to the Department by [REDACTED] 2020, or her SNAP benefits would end on [REDACTED] 2020. (Exhibit 1: PRF)
2. On [REDACTED] 2020, the Department issued a Warning Notice to the Appellant's home address. The notice informed the Appellant that the Department has not received the Appellant's completed PRF and SNAP benefits will end on [REDACTED] 2020, if the form is not returned by [REDACTED] 2020. (Exhibit 2: Warning Notice)
3. On [REDACTED] 2020, the Department issued the Appellant a notice of action. The notice informed the Appellant her SNAP benefits will close beginning [REDACTED] 2020, because she did not complete the PRF process. (Exhibit 3: Notice)
4. The Appellant's SNAP assistance unit consists of herself and one child. The Appellant's SNAP certification period began [REDACTED] 2020 and ends [REDACTED] 2020. (Record)
5. The Appellant acknowledged she never sent in a completed PRF to the Department. (Record; Appellant's testimony)
6. As of the day of the hearing, the Appellant is not active SNAP. (Record; Appellant's testimony)
7. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.15 (c) (1) which provides that within 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency is notified of the decision. The Appellant requested an administrative hearing on [REDACTED] [REDACTED] 2020; therefore, this decision was due no later than [REDACTED] 2020. However, due to a 62-day delay afforded the Appellant, this decision was due no later than [REDACTED] 2021. (Hearing Record)

## **CONCLUSIONS OF LAW**

1. Connecticut General Statutes § 17b-2 provides that the Department of Social Services is designated as the state agency for the administration of (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

**The Department has the authority to carry out the provisions of the SNAP.**

2. 7 C.F.R. § 273.12 (a) (5) provides that the State agency may establish a simplified reporting system in lieu of the change reporting requirements specified under paragraph (a)(1) of this section. (i) *Included households*. The State agency may include any household certified for at least 4 months within a simplified reporting system.

**The Department has elected to establish a simplified reporting system according to 7 C.F.R. § 273.12(a)(5).**

3. 7 C.F.R. § 271.2 defines adequate notice in a periodic reporting system such as monthly reporting or quarterly reporting means a written notice that includes a statement of the action the agency has taken or intends to take; the reason for the intended action; the household's right to request a fair hearing; the name of the person to contact for additional information; the availability of continued benefits; and the liability of the household for any over issuances received while awaiting a fair hearing if the hearing official's decision is adverse to the household. Depending on the timing of a State's system and the timeliness of report submission by participating households, such notice may be received prior to agency action, at the time reduced benefits are received, or, if benefits are terminated, at the time benefits would have been received if they had not been terminated. In all cases, however, participants will be allowed ten days from the mailing date of the notice to contest the agency action and to have benefits restored to their previous level. If the 10-day period ends on a weekend or a holiday and a request is received the day after the weekend or holiday, the State agency shall consider the request to be timely.

7 C.F.R. § 273.12(a)(5)(iii)(B) provides that the submission of periodic reports by non-exempt households. Households that are certified for longer than 6 months, except those households described in §273.12(a)(5)(iii)(A), must file a periodic report between 4 months and 6 months, as required by the State agency. Households in which all adult members are elderly or have a disability with no earned income and are certified for periods lasting between 13 months and 24 months must file a periodic report once a year. In selecting a due date for the periodic report, the State agency must provide itself sufficient time to process reports so that households that have reported changes that will reduce or terminate benefits will receive adequate notice of action on the report in the first month of the new reporting period.

**The Department correctly mailed the Appellant a PRF four months into her certification period.**

4. 7 C.F.R. § 273.12(a)(5)(iii)(E) provides that if a household fails to file a complete report by the specified filing date, the State agency shall provide the household with a reminder notice advising the household that it has 10 days from the date

the State agency mails the notice to file a complete report. If an eligible household files a complete periodic report during this 10 day period, the State agency shall provide it with an opportunity to participate no later than ten days after its normal issuance date. If the household does not respond to the reminder notice, the household's participation shall be terminated and the State agency must send an adequate notice of termination described in paragraph (a)(5)(iii)(C) of this section.

**The Department correctly issued the Appellant a notice advising her that she has 10 days from the date the Department issues the reminder notice to file a completed PRF or benefits will be terminated.**

**The Department correctly discontinued the Appellant's SNAP benefits effective [REDACTED] 2020, for not completing the PRF process.**

### **DECISION**

The Appellant's appeal is denied.

*Christopher Turner*

Christopher Turner  
Hearing Officer

Cc: Rachel Anderson, Operations Manager New Haven  
Cheryl Stuart, Operations Manager New Haven  
Lisa Wells, Operations Manager New Haven  
Jacqueline Taft, DSS New Haven

### **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, law, and 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 the Department of Social Services, Director, Office of Legal Counsel, Regulations, and Administrative Hearings, 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 if 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 his designee following §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.