

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

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

██████████  
██████████  
Request #165968

NOTICE OF DECISION  
PARTY

██████████  
██████████  
██████████

PROCEDURAL BACKGROUND

██████████, 2020, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") discontinuing her Supplemental Nutrition Assistance Program ("SNAP") benefits effective ██████████ 2020 and imposed a three month penalty from participation in the program.

██████████, 2020, the Appellant requested an administrative hearing to contest the Department's action to impose a voluntary quit penalty and denial of her SNAP assistance.

██████████, 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.

██████████, 2020, accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing. The hearing was held telephonically with no objection from any of the parties. The following individuals were present at the hearing:

██████████, Appellant  
Althea Forbes-Francis, Department's Representative  
Veronica King, Hearing Officer

The hearing record was held open until [REDACTED] 2020 for the Appellant to provide additional information. On [REDACTED], 2020, the hearing record closed.

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department correctly denied the Appellant's SNAP application for benefits effective [REDACTED] 2020 and imposed a three-month penalty from participation in the program.

### **FINDINGS OF FACT**

1. The Appellant received SNAP for herself only. The Appellant was certified to received SNAP benefits until [REDACTED], 2020. (Hearing Record)
2. [REDACTED], 2020, the Department received a SNAP renewal form from the Appellant requesting the continuation of benefits for herself. (Hearing Record and Exhibit 5: Case Notes)
3. [REDACTED], 2020, the Department processed the Appellant's renewal form. The Department received information that the Appellant was employed at [REDACTED], LLC ([REDACTED])
4. [REDACTED] 2020, the Appellant called the Department and informed that she no longer works at [REDACTED]. She stated her employment ended on [REDACTED] 2020. The Department requested the Appellant to verify her last day of work and her income. (Exhibit 3: National Database of New Hires, Exhibit 1: Proof We Need form and Hearing Record)
5. [REDACTED], 2020, the Appellant submitted a notice from the Department of Labor ("DOL"). The notice stated that she left her job at [REDACTED] on [REDACTED], 2020 for reasons which did not constitute good cause attributable to her employer and that she left suitable work under disqualifying circumstances. The notice stated that she was ineligible to received unemployment benefits. (Exhibit 4: DOL Notice dated [REDACTED]/20)
6. The Appellant was late for work on [REDACTED] 2020 and sent a text message to work saying: "I'll be there soon just running late as always lol". [REDACTED], the Appellant was late to work, and the employer stated if she did not show up, they would take off the schedule. (Appellant's Exhibit A: Text messages)
7. The Appellant was denied unemployment benefits and did not appeal the denial. (Appellant's Testimony)

8. ██████████ 2020, the Department determined that the Appellant did not meet good cause criteria and sent an NOA denying the Appellant's Renewal Application for SNAP benefits and sanctioning the SNAP benefits for 3 months for voluntary quit of employment. (Exhibit 2: NOA dated ██████████/20)
9. The voluntary quit penalty that was imposed is for a first-time offender. (Hearing record)
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 ██████████ 2020; However, the record was closed on ██████████, 2020. Because this 7-day delay resulted from the Appellant's request, this decision is not due until ██████████ 2021, and 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") § 273.7 provides that all physically and mentally fit food stamp recipients over the age of 15 and under the age of 60 who are not otherwise exempted be registered for work by the State agency at the time of application and once every 12 months thereafter. Work registrants are required to participate in an E&T program if assigned by the State agency, provide information regarding employment status and availability for work, report to an employer if referred, and accept a bona fide offer of suitable employment at a wage no less than the applicable State or Federal minimum wage, whichever is highest. Failure to meet these requirements without good cause results in a two months disqualification. If the noncompliant individual is the head of the household, the entire household is disqualified for two months. Otherwise, only the individual is disqualified. Additionally, if the head of the household voluntarily quits a job of 20 or more hours a week without good cause 60 days or less prior to applying for food stamps, or at any time thereafter, the entire household is disqualified for 90 days.
3. "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*, 2017 Conn. 601, 573 A.2d 712 (1990)).

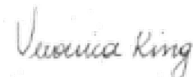
4. Uniform Policy Manual (“UPM”) § 3510.15(A) provides that the following members of a Food Stamp assistance unit must be registered for employment and training and meet the other employment and training requirements unless they are specifically exempt:
  1. adults who are under 60 years of age; and
  2. individuals who are age 16 or over. Individuals who become age 16 within a certification period must register at the time of recertification.
5. UPM § 3040 provides that under certain conditions an applicant for or recipient of SNAP recipients who voluntarily quits employment is ineligible for a period of time.
6. UPM § 3040.05(A)(1) provides that the following actions constitute voluntary quit, unless good cause exists as defined in this chapter:
  - a. an individual voluntarily quits employment; or
  - b. an individual voluntarily reduces work hours to less than 30 a week; or
  - c. an individual fails to comply with workfare requirements.
7. UPM § 3040.05(A)(2) provides that when the head of the assistance unit is a mandatory work registrant and is found to have voluntarily quit as noted in A. 1. above, the entire assistance unit is ineligible up to a maximum of 180 days.
8. UPM § 3040.05(A)(4) provides that employment in this context refers to the most recent job held.
9. UPM § 3040.05(A)(6) provides that voluntary quit provisions do not apply to:
  - a. termination of self-employment;
  - b. resigning at the employer's demand.
10. UPM § 3040.05(B)(1) provides that a voluntary quit which occurred more than 60 days prior to application does not cause ineligibility.
11. UPM § 3040.05(B)(2) provides that the application process is not delayed pending determination that a voluntary quit has occurred.
12. UPM § 3040.20 (A)(1)(a) provides for the SNAP voluntary quit penalty period. The penalty for voluntary quit is as follows: For applicants, the penalty period

begins the date of the SNAP application or the first day of the month of eligibility and continues as follows: for the first offense, the later of: (1) the date the individual cures the voluntary quit, or (2) 90 days after the date the individual became ineligible.

13. The Department correctly determined that the Appellant was a mandatory work registrant.
14. The Department correctly determined that the Appellant did not demonstrate good cause when she failed to comply with workfare requirements.
15. The Department correctly determined that the Appellant's eligibility for SNAP benefits is subject to the imposition of a penalty for voluntarily quit employment without good cause.
16. The Department correctly disqualified the Appellant from participating in the SNAP program for ninety (90) days.
17. The Department correctly denied the Appellant's SNAP benefits and imposed a 90 day voluntary quit penalty.

### **DECISION**

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



---

Veronica King  
Hearing Officer

Cc: Patricia Ostroski Operations Manager, DSS R.O. #52 New Britain  
Althea Forbes-Francis, Fair Hearing Liaison, DSS R.O. #52 New Britain

### **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.