

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

Case ID # ██████████
Client ID # ██████████
Request # 168303

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the “Department”) issued a notice of action to ██████████ (the “Appellant”) indicating that it was discontinuing the Appellant’s Supplemental Nutrition Assistance Transitional Benefit Alternative Program (“SNAP TBA”) benefits effective ██████████ 2020, because she did not complete the review process.

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.

██████████ 2020, in accordance with 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 called into the hearing:

██████████ Appellant
Jacqueline Taft, Department’s Representative
Christopher Turner, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department was correct when it discontinued the Appellant's SNAP TBA benefits effective [REDACTED] 2020, for failure to complete the recertification process.

FINDINGS OF FACT

1. On [REDACTED] 2020, a Department representative spoke with the Appellant concerning her case, her Temporary Family Assistance ("TFA") has been closed for several months and informed the Appellant her SNAP TBA renewal is due by [REDACTED] 2020.
2. On [REDACTED] 2020, the Department mailed the Appellant an application for SNAP recertification. The notice indicated the Appellant has received five months of SNAP TBA assistance and must complete an application for recertification to continue to receive SNAP assistance. (Exhibit 2: Renewal notice; Hearing summary)
3. On [REDACTED] 2020, the Department sent the Appellant a warning notice indicating her SNAP recertification had not been received, and to continue to receive SNAP, her recertification form must be received by [REDACTED] 2020. Also, the Appellant would need to complete an interview and send in all proofs, or her SNAP TBA will close [REDACTED] 2020, as a result. (Exhibit 3: Warning notice)
4. On [REDACTED] 2020, the Department sent the Appellant a notice indicating her SNAP TBA application for recertification has not been completed and as a result, her SNAP TBA will close the benefit period start date of [REDACTED] 2020. (Exhibit 1: Notice of Action)
5. On [REDACTED] 2020, the Appellant's SNAP TBA assistance closed. (Record)
6. The Appellant's SNAP TBA certification period was from [REDACTED], through [REDACTED] 2020. (Exhibit 2)
7. The Appellant has an online account with the Department. (Appellant's testimony)
8. The Appellant has not reapplied for SNAP assistance. (Appellant's testimony)
9. 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] 2020; therefore, this decision was due no later than [REDACTED] 2021. (Hearing Record)

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes designates the Department of Social Services 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.

7 C.F.R. § 273.26 provides for the Transitional Benefits Alternative. (a) The State agency may elect to provide transitional SNAP benefits to households whose participation in the following programs is ending: (1) TANF or State Maintenance of Effort (MOE) funded cash assistance programs, as authorized under part A of Title IV of the Social Security Act.

The Department properly determined the Appellant's TFA closed and elected to provide the Appellant's household with the SNAP TBA.

2. 7 C.F.R. § 273.27 (a) provides when a household leaves TANF, MOE, or a SFCA program, a State agency that has elected this option shall freeze the household's benefit allotment for up to 5 months after making an adjustment for the loss of TANF, MOE, or the SFCA. This is the household's transitional period. To provide the full transitional period, the State agency may extend the certification period for up to 5 months and may extend the household's certification period beyond the maximum periods specified in §273.10(f). Before initiating the transitional period, the State agency, without requiring additional information or verification from the household, must recalculate the household's SNAP benefit amount by removing the TANF payment, MOE payment, or the SFCA payment from the household's SNAP income.

The Department properly granted the Appellant SNAP TBA for a period of at least five months.

3. 7 C.F.R. § 273.28 (b) provides the State agency must provide the household with a notice of required verification in accordance with §273.2(c)(5) and provide the household a minimum of 10 days to provide the required verification in accordance with §273.2(f).

The Department correctly notified the Appellant of the requirement to complete a renewal of eligibility to continue to receive SNAP benefits.

4. 7 C.F.R. § 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.

7 C.F.R. § 273.14(b) provides for the recertification process—(1) Notice of expiration. (i) The State agency shall provide households certified for one month or certified in the second month of a two-month certification period a notice of expiration (NOE) at the time of certification. The State agency shall provide other households the NOE before the first day of the last month of the certification period, but not before the first day of the next-to-the-last month. Jointly processed PA and GA households need not receive a separate SNAP notice if they are recertified for SNAP benefits at the same time as their PA or GA redetermination.


7 C.F.R. § 273.31 (b) provides for closing the transitional period. In the final month of the transitional benefit period, the State agency must do one of the following: (a) Issue the RFC specified in §273.12(c)(3) and act on any information it has about the household's new circumstances in accordance with §273.12(c)(3). The State agency may extend the household's certification period in accordance with §273.10(f)(5) unless the household's certification period has already been extended past the maximum period specified in §273.10(f) in accordance with §273.27.

The Department correctly sent the Appellant a warning notice that indicated her SNAP TBA renewal form had not been received.

The Department was correct to discontinue the Appellant's SNAP assistance effective [REDACTED] 2020, as the Appellant had not completed the required measures for recertification. No further action by the Department is necessary.

DECISION

The Appellant's appeal is denied.


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 the 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 06105-3725. 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 her 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.