

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 #168759

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.

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

██████████, 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a Notice scheduling the administrative hearing for ██████████, 2021. The hearing was scheduled to be held telephonically due to the COVID-19 pandemic.

██████████, 2021, the Appellant requested reschedule of the administrative hearing.

██████████, 2021, OLCRAH issued a notice rescheduling the administrative hearing for ██████████, 2021.

██████████, the Appellant requested reschedule of the administrative hearing.

██████████, 2021, OLCRAH issued a notice rescheduling the administrative hearing for ██████████, 2021.

██████████, 2021, 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:

██████████, the Appellant
 Christopher Filek, Department's Representative
 Veronica King, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly discontinued the Appellant's SNAP benefits effective ██████████ 2020.

FINDINGS OF FACT

1. In ██████████ 2020, the Appellant was receiving SNAP benefits in Connecticut (Hearing Record)
2. On or about ██████████ 2020, the Appellant went to Florida to help her mother in law. Before she left Connecticut, the Appellant completed a change of address at the Post Office and reported that she moved "permanent" to Florida. (Appellant's Testimony)
3. ██████████, 2020, the Department received return mail showing that the Appellant moved to ██████████, Florida. (Exhibit 2: Returned mail)
4. ██████████, 2020, the Department sent a NOA to the Appellant discontinuing her SNAP benefits effective ██████████ 2020, because she does not meet the residency requirements. (Exhibit 1: NOA, ██████████/20)
5. ██████████, 2020, the Appellant sent a letter to the Department stating that she was taking care of her mother in law in ██████████, Florida, for approximately 2 months. The Appellant stated she made a mistake filling out the change of address showing her move and permanent however, she will be returning to Connecticut and that she changed her address back to Connecticut at Florida Post Office. (Exhibit 3: Florida change of address USPS; Exhibit 4: Appellant's letter dated ██████████/20, and Appellant's Testimony)
6. 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; This decision, therefore, was due no later than ██████████ 2021. However, the hearing, which

had been anticipated to be held on [REDACTED] 2021, was reschedule for [REDACTED], 2021, at the Appellant's request. Because this 44-day delay in the close of the hearing record arose from the Appellant's request, this final decision was not due until [REDACTED], 2021, and is 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. 7 CFR § 273.3 discusses residency and provides in relevant part that a household shall live in the State in which it files an application for participation.
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. UPM § 3030.30 provides that (A) Residency in the state is a technical eligibility requirement for Food Stamps. An individual meets the residency requirement by living in Connecticut. (B) Intent to remain in the state is not a requirement. Vacationers in Connecticut from out of state, however, are not considered residents of this state. (C) There is no durational residency requirement. (D) No individual may establish residence in more than one place in any one month, except women and children moving into shelters for battered women. (E) An otherwise eligible assistance unit is not required to reside in a permanent dwelling or have a fixed mailing address.

[REDACTED], 2020, the Department correctly determined that the Appellant was living in Florida.

[REDACTED], 2020, the Department correctly determined that a SNAP recipient may not reside in more than one place in any one month.

[REDACTED], 2020, the Department correctly discontinued the Appellant's SNAP benefits effective [REDACTED] 2020.

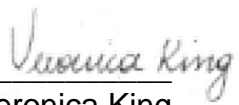
DISCUSSION

In [REDACTED] 2020, she had the intent to stay in Florida for approximately 2 months to help her mother in law. In addition, she completed a change of address with Connecticut post office indication that she moved permanently to Florida. The Appellant testified that between [REDACTED] 2020 and [REDACTED] 2021, the Appellant had few trips among Florida and Connecticut and that since [REDACTED] 2021, the Appellant is residing in Connecticut and does not foresee go back to Florida in the near future.

Although it appears that the Appellant does resides in Connecticut, the Department was correct to discontinue the Appellant's SNAP benefits on [REDACTED], 2020, when received the returned mail indicating that she was living in Florida. The Appellant was encouraged to reapply for SNAP benefits.

DECISION

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



Veronica King
Hearing Officer

Cc: Brian Sexton, Operations Manager, DSS R.O. #50 Middletown
Christopher Filek, Fair Hearing Liaison, DSS R.O. #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.