

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

Client ID ██████████
Case ID # ██████████
Request #169404

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, 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.

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 ██████████ 2021.

On ██████████ 2021, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephone.

The following individuals were present at the hearing:

██████████
██████████

Althea Forbes-Francis, Department’s Representative
Scott Zuckerman, Hearing Officer

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 the renewal process is correct.

FINDINGS OF FACT

1. The Appellant's received SNAP benefits through [REDACTED] 1, 2020 for a household of two. (Exhibit 3: Notice of Action dated [REDACTED], 2020 and Exhibit 4: Case Note [REDACTED]/2020)
2. On [REDACTED] [REDACTED] 2020, the Appellant submitted an online renewal for continuation of SNAP benefits. (Hearing Summary, Exhibit 1: Renewal form [REDACTED]/2020)
3. On [REDACTED], 2020, the Department reviewed the Appellant's renewal form and completed the SNAP telephone interview. The Department sent the Appellant a W-1348, Proofs We Need form requesting proof she is no longer enrolled as a student at Tunxis Community College. The due date for the requested information was [REDACTED] 2020. (Exhibit 2: Proofs We Need, [REDACTED]/2020)
4. On [REDACTED], 2020, the Department sent the Appellant a Notice of Action. The notice stated SNAP benefits were discontinued effective [REDACTED] 2020 for the reason, "renewal process not completed". (Exhibit 3: Notice of Action, [REDACTED] 2020)
5. On [REDACTED] 2020, the Department received a letter from Tunxis College verifying the Appellant has not been enrolled as a student since 2019. (Exhibit A: Letter from Tunxis Community College dated [REDACTED]/2020)
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 [REDACTED] 2020. Therefore, this decision is due not later than [REDACTED] 2021. (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 in accordance with federal law.

2. "The department's uniform policy manual 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. "The Department is required to provide assistance units with timely notification of the required redetermination." Uniform Policy Manual ("UPM") § 1545.15 (A) (1)

The Department correctly notified the Appellant that she must complete the redetermination process.

5. Title 7 CFR § 273.14(b)(3) provides that as part of the recertification process, the State agency must conduct a face to face interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The provisions of §273.2(e) also apply to interviews for recertification. The State agency may choose to interview the household at interim recertification within the 12-month period. The requirement for a face-to-face interview once every 12 months may be waived in accordance with §273.2(e)(2).

"The office interview is conducted as a condition of eligibility in the following programs: Food Stamps. UPM § 1505.30(A)(2)(b)
6. Title 7 of the CFR § 273.2(e)(2) provides that the State agency may use a telephone interview instead of the face-to-face interview required in paragraph (e)(1) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency. The hardship conditions must include, but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household, and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the

household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

“For the FS program, the Department conducts a telephone interview or a home visit once every twelve months if the office interview is waived.” UPM § 1505.30(G)(3)

The Appellant completed the required SNAP telephone interview.

7. Title 7 CFR § 273.14(b)(4) provides that information provided by the household shall be verified in accordance with §273.2(f)(8)(i). The State agency shall provide the household a notice of required verifications provided in §273.2(c)(5) and notify the household of the date by which the verification requirements must be satisfied. The household must be allowed a minimum of 10 days to provide the required verification information. Any household whose eligibility is not determined by the end of its current certification period due to the time period allowed for submitting any missing verification shall receive an opportunity to participate, if eligible, within 5 working days after the household submits the missing verification and benefits cannot be prorated.
8. Title 7 of the Code of Federal Regulations (“CFR”) § 273.2(c)(5) provides that the State agency shall provide each household at the time of application for certification and recertification with a notice that informs the household of the verification requirements the household must meet as part of the application process.

“The assistance unit must supply the Department in an accurate and timely manner as defined by the Department, all pertinent information and verification which the Department requires to determine eligibility and calculate the amount of benefits.” UPM § 1010.05(A)(1)

“The Department must tell the assistance unit what the unit has to do to establish eligibility when the Department does not have sufficient information to make an eligibility determination.” UPM 1015.05 (C)

“The Department must inform the assistance unit regarding the eligibility requirements of the programs administered by the Department, and regarding the unit’s rights and responsibilities. UPM § 1015.10(A)

The Department correctly sent the Appellant the W1348 *Proofs We Need* form requesting proofs needed to determine eligibility and allowed 10 days to provide.

9. “The household has primary responsibility for providing documentary evidence to support statements of the application and to resolve any questionable information.” Title 7 CFR 273.2(f)(5)(i)
10. Title 7 CFR § 273.14(e) (2) provides that If a household files an application before the end of the certification period, but fails to take a required action, the State agency may deny the case at that time, at the end of the certification period, or at the end of 30 days. Notwithstanding the State's right to issue a denial prior to the end of the certification period, the household has 30 days after the end of the certification period to complete the process and have its application be treated as an application for recertification. If the household takes the required action before the end of the certification period, the State agency must reopen the case and provide a full month's benefits for the initial month of the new certification period. If the household takes the required action after the end of the certification period but within 30 days after the end of the certification period, the State agency shall reopen the case and provide benefits retroactive to the date the household takes the required action. The State agency shall determine cause for any delay in processing a recertification application in accordance with the provisions of §273.3(h)(1).

The Department received the letter from Tunxis on [REDACTED] 2020, more than 30 days after the end of the certification period of [REDACTED] 2020.

11. “Assistance units are provided benefits without interruption by the first normal issuance date following the redetermination month if they timely complete the required actions of the redetermination process.” UPM § 1545.35(A)(1)

“The following actions must be timely completed in order 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.” UPM § 1545.35(A)(2)
12. “Eligibility for the FS program is discontinued at the end of the redetermination period in all situations where the redetermination is incomplete and the assistance unit has not been recertified.” UPM § 1545.40(B)(2)(a)
13. “Discontinuance is automatic, regardless of the reason for the incomplete redetermination.” UPM § 1545.40(B)(2)(b)

14. "Good cause in not a consideration in the FS program." UPM § 1545.40(B)(2)(c)

15. "Unless otherwise stated, assistance is discontinued on the last day of the redetermination month if eligibility is not reestablished through the redetermination process." UPM § 1545.40 (A)(2)

The Department correctly discontinued the Appellant's SNAP benefits, effective [REDACTED], 2020 because the Appellant did not submit all the required information by the due date and complete the renewal process for recertification of SNAP benefits.

DECISION

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

Scott Zuckerman
Hearing Officer

Pc: Patricia Ostroski, Operations Manager, DSS, Norwich Regional Office
Althea Forbes-Francis, Fair Hearing Liaison, DSS, Norwich Regional Office

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.