

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 # 170724

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

████████████████████, 2020, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") discontinuing his Supplemental Nutrition Assistance Program ("SNAP") effective ██████████ 2021.

████████████████████ 2021, the Appellant requested an administrative hearing to contest the discontinuance of SNAP benefits.

████████████████████, 2021, 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.

████████████████████ 2021, in accordance with sections 17b-60, 17-61 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 participated in the hearing:

██████████, the Appellant
 Garfield White, Department's Representative
 Veronica King, Hearing Officer

The hearing record was left open for submission of additional documents from both parties. ██████████, 2021, the record closed.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly discontinued the SNAP benefits effective ██████████ 2021.

FINDINGS OF FACT

1. The Appellant received SNAP benefits for himself only. (Hearing Record)
2. The Appellant was certified to received SNAP benefits until ██████████ 2020. (Department's Testimony)
3. ██████████ 2020, the Department reviewed the Appellant's renewal form that was received on ██████████ ██████████, 2020. They conducted the Appellant's telephone interview. (Exhibit 1: Case Notes, Exhibit 2: Renewal Information form, ██████████/20, and Appellant's Exhibit A: Document Details)
4. ██████████ 2020, the Department sent Appellant a W-1348 Proofs We Need form ("W1348"), requesting verification of gross monthly earnings. The form indicated that the proofs were needed by ██████████/20 to determine his ongoing eligibility for the SNAP benefits. (Exhibit 3: W1348, ██████████/20)
5. ██████████ ██████████ ██████████, 2020, the Department sent the Appellant a NOA discontinuing his SNAP benefits effective ██████████ 2021, and the ongoing months because the Renewal process was not completed. (Exhibit 4: NOA, ██████████/20)
6. ██████████ 2021, the Appellant provided information regarding his income to the Department among other documents. (Appellant's Exhibit A)

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes provides that the Department of Social Services is designated as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.
2. Title 7 of the Code of Federal Regulations ("C.F.R.") Section 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 notice shall also inform the household of the State agency's responsibility to assist the household in obtaining required verification provided the household is cooperating with the State agency as specified in (d) (1) of this section. The notice shall be written in clear and simple language and shall meet the bilingual requirements designated in § 272.4 (b) of this chapter. At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period to time the documents should cover.

"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)).

Uniform Policy Manual ("UPM") § 1545.15(A)(1) provides in part that the Department is required to provide assistance units with timely notification of the required redetermination.

The Department correctly notified the Appellant that his SNAP Renewal must be completed in order to receive uninterrupted benefits.

3. Title 7 C.F.R. § 273.2(e)(1) provides that except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter.

Title 7 C.F.R. § 273.2(e)(2) CFR provides in part that the State agency may opt to waive the face-to-face interview in favor of a telephone interview for all households which have no earned income and all members of the household are elderly or disabled. The State agency has the option of conducting a telephone interview or a home visit that is scheduled in advance with the household if the office interview is waived.

The Department contacted the Appellant and conducted the telephone interview.

4. Title 7 of the C.F.R. § 273.2(h)(i)(C) provides for cases where verification is incomplete, the State agency must have provided the household with a statement of required verification and offered to assist the household in obtaining required verification and allowed the household sufficient time to provide the missing verification. Sufficient time shall be at least 10 days from the date of the State agency's initial request for the particular verification that was missing.

UPM § 1015.05(C) provides that 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.

The Department correctly sent the Appellant a Proofs We Need notice, advising him of what was required in order to establish ongoing eligibility for the SNAP program.

5. Title 7 C.F.R. § 273.2(f)(5)(i) provides that the household has primary responsibility for providing documentary evidence to support statements of the application and to resolve any questionable information.
6. UPM § 1545.40(A)(2) states in part that “Unless otherwise stated, assistance is discontinued on the last day of the redetermination month if eligibility is not reestablished through the redetermination process.”
7. UPM § 1545.40(B)(2) (“FS” refers to “Food Stamps”, the former name for SNAP) stated that in the FS program: “a. 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. b. Discontinuance is automatic, regardless of the reason for the incomplete redetermination. c. Good cause is not a consideration in the FS program.”

The Appellant did not provide required needed verification to reestablished SNAP eligibility by the provided due date.

■ ■ ■, 2020, the Department correctly discontinued the Appellant’s SNAP benefits effective ■ ■ ■ 2021, because his benefits were not certified for a new period of eligibility.

The Appellant was encouraged to reapply for the SNAP benefits.

DECISION

The Appellant’s appeal is **DENIED.**

Veronica King

Veronica King
Hearing Officer

Pc: Musa Mohamud, Judy Williams, Jessica Carroll, DSS Operational Manager,
RO#10 Hartford.
Garfield White, Hearing Liaison, DSS RO#10 Hartford

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.