

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 # ██████████
Client ID # ██████████
Request # 171749

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a notice of action indicating her Supplemental Nutrition Assistance Program (“SNAP”) benefit effective ██████████ 2021 would be \$417.00.

On ██████████ 2021, the Appellant requested an administrative hearing to contest the Department’s calculation of her SNAP benefit.

On ██████████ 2021, 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 4-184, inclusive, of the Connecticut General Statutes, the Office of Legal Counsel, Regulations, and Administrative Hearings held an administrative hearing by telephonic conferencing.

The following individuals participated in the hearing:

██████████ Appellant
David Dominique, Department’s Representative
Christopher Turner, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly determined the Appellant's SNAP benefit.

FINDINGS OF FACT

1. On [REDACTED] 2020, the Department received the Appellant's online SNAP application. (Record; Hearing summary)
2. On [REDACTED] 2020, the Department granted the Appellant expedited SNAP assistance for the period of [REDACTED] 2020 through [REDACTED] 2021. (Record; Hearing summary)
3. On [REDACTED] 2021, the Department received an employment letter from the Appellant that indicated the Appellant's spouse had returned to work effective [REDACTED] 2021 and is grossing \$720.00 weekly. A Department representative updated the household's earned income as a result. (Exhibit 1: Employment letter; Hearing summary)
4. The Appellant resides with her husband and their four children. The Appellant and her spouse are undocumented non-citizens. The Appellant nor her spouse have been granted residency status in the U.S. The Appellant's four children ages [REDACTED] are U.S. citizens and are not considered disabled. (Record; Appellant's testimony)
5. The Appellant's rent is \$2,200.00 monthly. (Record; Appellant's testimony)
6. The Appellant's household was credited with the Standard Utility Allowance ("SUA"). (Record)
7. As authorized by the federal Families First Coronavirus Responses Act of 2020, the Department has provided emergency SNAP supplements to eligible Connecticut SNAP participants since April 3, 2020. The benefit amount is the difference between what the household received in a particular month and what the maximum benefit amount is for their household. The maximum benefit amount for a household of four was \$782.00 for [REDACTED] 2021. (Record; Department's testimony)
8. The prorated income used by the Department to determine SNAP eligibility was \$2,476.80 ($\$3,096.00/5 \text{ members} = \619.20 . $\$619.20 * 4 \text{ members} = \$2,476.80$). (Exhibit 2: Federal SNAP Income Test)
9. The Appellant's SNAP certification period is [REDACTED] 2020 through [REDACTED] 2021. (Exhibit 2)

10. 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] 2021; therefore, this decision was due no later than [REDACTED] 2021. (Hearing Record)

CONCLUSIONS OF LAW

1. Connecticut General Statutes § 17b-2 provides that the Department of Social Services is designated 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 review the Appellant's SNAP eligibility and determine her household's ongoing SNAP benefit amount.

2. 7 C.F.R. § 273.2 (j) (2) (i) provides the following households are categorically eligible for SNAP benefits unless the entire household is institutionalized as defined in §273.1(e) or disqualified for any reason from receiving SNAP benefits. (E) any household in which all members receive or are authorized to receive PA and/or SSI benefits in accordance with paragraphs (j)(2)(i)(A) through (j)(2)(i)(D) of this section.

The Appellant's household do not receive Public Assistance (cash assistance) or SSI and is therefore not categorically eligible based on receipt of such.

3. 7 C.F.R. § 273.9 (a) provides that participation in the Program shall be limited to those households whose income incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households that contain an elderly or disabled member shall meet the net income eligibility standards for the Food Stamp Program. Households, which do not contain an elderly or disabled member, shall meet both the net income eligibility standards and the gross income eligibility standards for the Food Stamp Program. Households which are categorically eligible as defined in §273.2 (j) (2) or 273.2 (j) (4) do not have to meet either the gross or net income eligibility standards. The net and gross income eligibility standards shall be based on the levels established in Section 673 (2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

7 C.F.R. § 273.2(j) (2) (ii) (A) provides the state agency, at its option, may extend categorically eligibility to the following households only if doing so will further the purposes of the Food Stamp Act. (A) Any household (except those listed in paragraph (j) (2) (vii) of this section) in which all members receive or are authorized to receive non-cash or in-kind services from a program that is less than 50 percent funded with state money counted for MOE purposes under Title IV-A or federal money under Title IV-A and that is designed to further purposes one and two of the TANF block grant, as set forth in Section 401 of P.L. 104-193. States must inform FNS of the TANF services under this paragraph that they are determined to confer categorical eligibility.

The Department correctly determined that the Appellant's household does not contain an elderly or disabled individual and is therefore subject to the gross income eligibility standards.

4. 7 C.F.R. § 273.4 details citizenship and alien status and provides (a) that no person is eligible to participate in the SNAP unless that person is: (1) is a U.S. citizen or; (6) An individual who is both a qualified alien as defined in paragraph (a)(6)(i) of this section and an eligible alien as defined in paragraph (a)(6)(ii) or (a)(6)(iii) of this section. (i) A qualified alien is: (A) An alien who is lawfully admitted for permanent residence under the INA; (B) An alien who is granted asylum under section 208 of the INA; (C) A refugee who is admitted to the United States under section 207 of the INA.

7 C.F.R. § 273.4 (b) (2) provides that once a household indicates inability or unwillingness to provide documentation of alien status for any household member, the State agency must classify that member as an ineligible alien. When a person indicates inability or unwillingness to provide documentation of alien status, the State agency must classify that person as an ineligible alien. In such cases the State agency must not continue efforts to obtain that documentation.

The Department correctly determined the Appellant and her spouse are not eligible to participate in the SNAP program because they do not meet the citizenship and alien status requirements. Both adults are undocumented non-citizens living in the U.S. who have not been admitted for permanent residency.

For purposes of the SNAP, the household contains four members: The Appellant's children.

5. 7 C.F.R. § 273.9 (b) provides for the definition of income. Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. (1) Earned income shall include: (i) All wages and salaries of an employee.

The Department correctly determined the Appellant's husband's earnings from his job are deemed or counted in the household's eligibility calculation.

6. 7 C.F.R. § 273.10 (c) (1) (i) provides for the purpose of determining the household's eligibility and level of benefits, the State agency shall take into account the income already received by the household during the certification period and any anticipated income the household and the State agency are reasonably certain will be received during the remainder of the certification period. If the amount of income that will be received, or when it will be received, is uncertain, that portion of the household's income that is uncertain shall not be counted by the State agency. For example, a household anticipating income from a new source, such as a new job or recently applied for public assistance benefits, may be uncertain as to the timing and amount of the initial payment. These moneys shall not be anticipated by the State agency unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. If the exact amount of the income is not known, that portion of it which can be anticipated with reasonable certainty shall be considered as income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average. Households shall be advised to report all changes in gross monthly income as required by §273.12.

7 C.F.R. § 273.10 (c) (2) provides that (i) income anticipated during the certification period shall be counted as income only in the month it is expected to be received, unless the income is averaged. Whenever a full month's income is anticipated but is received on a weekly or biweekly basis, the State agency shall convert the income to a monthly amount by multiplying weekly amounts by 4.3 and biweekly amounts by 2.15, use the State Agency's PA conversion standard, or use the exact monthly figure

if it can be anticipated for each month of the certification period. Nonrecurring lump-sum payments shall be counted as a resource starting in the month received and shall not be counted as income.

The Department correctly determined the Appellant's gross monthly income is \$3,096.00 (\$720.00 * 4.3 weeks).

7. 7 C.F.R. § 273.11 (c) provides for treatment of income and resources of certain non-household members. During the period of time that a household member cannot participate for the reasons addressed in this section, the eligibility and benefit level of any remaining household members shall be determined in accordance with the procedures outlined in this section.

7 C.F.R. § 273.11 (c) (1) (i) provides the income and resources of the ineligible household member(s) shall continue to count in their entirety, and the entire household's allowable earned income, standard, medical, dependent care, child support, and excess shelter deductions shall continue to apply to the remaining household member.

7 C.F.R. § 273.11 (c) (1) (ii) provides for *Eligibility and benefit level*. The ineligible member shall not be included when determining the household's size for the purposes of: (A) Assigning a benefit level to the household; (B) Assigning a standard deduction to the household; (C) Comparing the household's monthly income with the income eligibility standards; or (D) Comparing the household's resources with the resource eligibility limits. The State agency shall ensure that no household's coupon allotment is increased as a result of the exclusion of one or more household members.

7 C.F.R. § 273.11 (c) (2) (ii) provides for *Income*. A pro rata share of the income of such ineligible members shall be counted as income to the remaining members. This pro rata share is calculated by first subtracting the allowable exclusions from the ineligible member's income and dividing the income evenly among the household members, including the ineligible members. All but the ineligible members' share is counted as income for the remaining household members.

The Department incorrectly calculated the prorated earnings of \$2,476.80 (\$3,096.00/5 members = \$619.20. \$619.20 * 4 members = \$2,476.80) used in the Appellant's SNAP benefit determination.

The correct prorated earnings equal \$2,064.00 (\$3,096.00/6 members = \$516.00. \$516.00 * 4 members = \$2,064.00) used in the determination of the Appellant's SNAP benefit.

8. 7 C.F.R. § 273.11 (c) (2) (iii) provides for *Deductible expenses*. The 20 percent earned income deduction shall apply to the prorated income earned by such ineligible members which is attributed to their households. That portion of the households' allowable child support payment, shelter and dependent care expenses which are either paid by or billed to the ineligible members shall be divided evenly among the

households' members including the ineligible members. All but the ineligible members' share is counted as a deductible child support payment, shelter or dependent care expense for the remaining household members.

7 C.F.R. § 273.11 (c) (2) (iv) provides for *Eligibility and benefit level*. Such ineligible members shall not be included when determining their households' sizes for the purposes of: (A) Assigning a benefit level to the household; (B) Assigning a standard deduction to the household; (C) Comparing the household's monthly income with the income eligibility standards; or (D) Comparing the household's resources with the resource eligibility limits.

7 C.F.R. § 273.11 (c) (3) provides for *Ineligible alien*. The State agency must determine the eligibility and benefit level of any remaining household members of a household containing an ineligible alien as follows: (i) The State agency must count all or, at the discretion of the State agency, all but a pro rata share, of the ineligible alien's income and deductible expenses and all of the ineligible alien's resources in accordance with paragraphs (c)(1) or (c)(2) of this section. In exercising its discretion under this paragraph (c)(3)(i), the State agency may count all of the alien's income for purposes of applying the gross income test for eligibility purposes while only counting all but a pro rata share to apply the net income test and determine level of benefits. This paragraph (c)(3)(i) does not apply to an alien: (A) Who is lawfully admitted for permanent residence under the INA; (B) Who is granted asylum under section 208 of the INA; (C) Who is admitted as a refugee under section 207 of the INA; (D) Who is paroled in accordance with section 212(d)(5) of the INA; (E) Whose deportation or removal has been withheld in accordance with section 243 of the INA; (F) Who is aged, blind, or disabled in accordance with section 1614(a)(1) of the Social Security Act and is admitted for temporary or permanent residence under section 245A(b)(1) of the INA; or (G) Who is a special agricultural worker admitted for temporary residence under section 210(a) of the INA.

The Department incorrectly determined the 20 percent earned income deduction to be \$495.36 ($\$2,476.80 * 0.20$).

The correct 20 percent earned income deduction is \$412.80 ($\$2,064.00 * 0.20$).

9. 7 C.F.R. § 273.9 (d) (1) provides for the standard deduction. (i) *48 States, District of Columbia, Alaska, Hawaii, and the Virgin Islands*. Effective October 1, 2002, in the 48 States and the District of Columbia, Alaska, Hawaii, and the Virgin Islands, the standard deduction for household sizes one through six shall be equal to 8.31 percent of the monthly net income eligibility standard for each household size established under paragraph (a)(2) of this section rounded up to the nearest whole dollar. For household sizes greater than six, the standard deduction shall be equal to the standard deduction for a six-person household.

7 C.F.R. § 273.9 (d) (1) provides for (iii) *Minimum deduction levels*. Notwithstanding paragraphs (d)(1)(i) and (d)(1)(ii) of this section, the standard deduction for FY 2009 for each household in the 48 States and the District of Columbia, Alaska, Hawaii, Guam and the U.S. Virgin Islands shall not be less than \$144, \$246, \$203, \$289, and \$127, respectively. Beginning FY 2010 and each fiscal year thereafter, the amount of

the minimum standard deduction is equal to the unrounded amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.

The Department correctly determined the Appellant's household is entitled to a standard disregard of \$181.00.

The Department incorrectly determined the Appellant's adjusted gross income is: \$1,800.44 (\$2,476.80 – \$676.36 (\$495.36 + \$181.00)).

The Appellant's correct adjusted gross income is: \$1,470.20 (\$2,064.00 – \$593.80 (\$181.00 + \$412.80)).

10. 7 C.F.R. § 273.9 (d) (6) (ii) provides for excess shelter deduction. Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1) through (d)(5) of this section have been allowed. If the household does not contain an elderly or disabled member, as defined in §271.2 of this chapter, the shelter deduction cannot exceed the maximum shelter deduction limit established for the area. For fiscal year 2001, effective March 1, 2001, the maximum monthly excess shelter expense deduction limits are \$340 for the 48 contiguous States and the District of Columbia, \$543 for Alaska, \$458 for Hawaii, \$399 for Guam, and \$268 for the Virgin Islands. FNS will set the maximum monthly excess shelter expense deduction limits for fiscal year 2002 and future years by adjusting the previous year's limits to reflect changes in the shelter component and the fuels and utilities component of the Consumer Price Index for All Urban Consumers for the 12-month period ending the previous November 30. FNS will notify State agencies of the amount of the limit. Only the following expenses are allowable shelter expenses: (A) Continuing charges for the shelter occupied by the household, including rent, mortgage, condo and association fees, or other continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments. (B) Property taxes, State and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings.

7 C.F.R. § 273.9(d) (6) (iii) provides for the Standard Utility Allowance ("SUA"). (A) With FNS approval, a State agency may develop the following standard utility allowances (standards) to be used in place of actual costs in determining a household's excess shelter deduction: an individual standard for each type of utility expense; a standard utility allowance for all utilities that includes heating or cooling costs (HCSUA); and, a limited utility allowance (LUA) that includes electricity and fuel for purposes other than heating or cooling, water, sewerage, well and septic tank installation and maintenance, telephone, and garbage or trash collection. The LUA must include expenses for at least two utilities. However, at its option, the State agency may include the excess heating and cooling costs of public housing residents in the LUA if it wishes to offer the lower standard to such households. The State agency may use different types of standards but cannot allow households the use of two standards that include

the same expense. In States in which the cooling expense is minimal, the State agency may include the cooling expense in the electricity component. The State agency may vary the allowance by factors such as household size, geographical area, or season. Only utility costs identified in paragraph (d)(6)(ii)(C) of this section must be used in developing standards.

7 C.F.R. § 273.9(d) (6) (iii) (F) provides if a household lives with and shares heating or cooling expenses with another individual, another household, or both, the State agency shall not prorate the standard for such households if the State agency mandates use of standard utility allowances in accordance with paragraph (d)(6)(iii)(E) of this section. The State agency may not prorate the SUA if all the individuals who share utility expenses but are not in the SNAP household are excluded from the household only because they are ineligible.

The Department incorrectly determined that 50% of the Appellant's adjusted gross income is \$900.22 ($\$1,800.40 * 0.50$).

Fifty percent of the Appellant's adjusted gross income is \$735.10 ($\$1,470.20 * 0.50$).

The Department correctly determined the Appellant's household is not eligible for an uncapped shelter deduction based on age or disability.

The Department correctly determined the Appellant is eligible for the full SUA.

The Department incorrectly determined the Appellant's shelter costs to be \$2,496.00 ($\$1,736.00 + \736.00 SUA).

The Department incorrectly determined the Appellant's shelter hardship is \$1,595.78 ($\$2,496.00 - \900.22).

The Department incorrectly determined the Appellant's net adjusted income is \$1,214.44 ($\$1,595.78 - \586.00).

The Appellant's shelter cost is \$2,202.68 ($\$1,466.68$ prorated rent * + $\$736.00$ SUA). * ($\$2,200/6 = \336.67) ($\$336.67 * 4$ members = $\$1,466.68$)

The Appellant's shelter hardship is \$1,467.58 ($\$2,202.68 - \735.10).

The Appellant's net adjusted income equals \$884.20 ($\$1,470.20 - \586.00)

11. 7 C.F.R. § 273.10 (e) (2) (ii) (A) provides except as provided in paragraphs (a)(1), (e)(2)(iii) and (e)(2)(vi) of this section, the household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30 percent of the household's net monthly income as calculated in paragraph (e)(1) of this section. If 30 percent of the household's net income ends in cents, the State agency shall

round in one of the following ways: (1) The State agency shall round the 30 percent of net income up to the nearest higher dollar.

The Department incorrectly determined that 30 percent of the Appellant's net adjusted income, rounded up, is \$365.00 (\$1,214.44 * 0.30).

Thirty percent of the Appellant's net adjusted income, rounded up, is \$266.00 (\$884.20 * 0.30).

12. 7 C.F.R. § 271.2 defines the Thrifty Food Plan ("TFP") as the diet required to feed a family of four persons consisting of a man and a woman 20 through 50, a child 6 through 8, and a child 9 through 11 years of age, determined in accordance with the Secretary's calculations. The cost of such diet shall be the basis for uniform allotments for all households regardless of their actual composition. In order to develop maximum SNAP allotments, the Secretary shall make household size and other adjustments in the Thrifty Food Plan taking into account economies of scale and other adjustments as required by law.

7 C.F.R. § 273.10(e) (4) (i) provides for the TFP and Maximum Food Stamp Allotments. Maximum food stamp allotments shall be based on the TFP as defined in §271.2, and they shall be uniform by household size throughout the 48 contiguous States and the District of Columbia. The TFP for Hawaii shall be the TFP for the 48 States and DC adjusted for the price of food in Honolulu. The TFPs for urban, rural I, and rural II parts of Alaska shall be the TFP for the 48 States and DC adjusted by the price of food in Anchorage and further adjusted for urban, rural I, and rural II Alaska as defined in §272.7(c). The TFPs for Guam and the Virgin Islands shall be adjusted for changes in the cost of food in the 48 States and DC, provided that the cost of these TFPs may not exceed the cost of the highest TFP for the 50 States. The TFP amounts and maximum allotments in each area are adjusted annually and will be prescribed in a table posted on the FNS web site, at www.fns.usda.gov/fsp.

7 C.F.R. § 273.10(e) (4) (ii) provides in relevant part that effective October 1, 1996, the maximum SNAP allotments must be based on 100% of the cost of the TFP as defined in §271.2 of this chapter for the preceding June, rounded to the nearest lower dollar increment.

The TFP for a qualified assistance unit with no applied income for a four-person household from [REDACTED] 2021 through [REDACTED] 2021 is \$782.00.

13. The Appellant's [REDACTED] 2021 SNAP benefit as computed by the Department:

SNAP BENEFIT CALCULATION

<u>EARNED INCOME</u>	
Spouse – Prorated	\$2,476.80
Total Income	\$2,476.80
Less 20 percent	-\$495.36
Less standard deduction	-\$181.00
Adjusted Gross Income	=\$1,800.44
<u>SHELTER COSTS</u>	
Rent - Prorated	\$1,760.00
SUA -	\$736.00
Total shelter costs	\$2,496.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$2,496.00
Less 50% of adjusted gross income	<u>-\$900.22</u>
Total shelter hardship	\$1,595.78 <small>(Cannot exceed \$586 unless elderly or disabled)</small>
<u>NET ADJUSTED INCOME</u>	
Adjusted gross income	\$1,800.44
Less shelter hardship	<u>-\$586.00</u>
Net Adjusted Income (NAI)	\$1,214.44
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for Four Persons	\$782.00
Less 30% of NAI	<u>-\$365.00</u>
SNAP award	\$417.00

14. The Appellant's [REDACTED] benefit is computed as follows:

SNAP BENEFIT CALCULATION

<u>EARNED INCOME</u>	
Spouse – Prorated	\$2,064.00
Total Income	\$2,064.00
Less 20 percent	-\$412.80
Less standard deduction	-\$181.00
Adjusted Gross Income	=\$1,470.20
<u>SHELTER COSTS</u>	
Rent - Prorated	\$1,466.68
SUA	\$736.00
Total shelter costs	\$2,202.68

<u>SHELTER HARDSHIP</u>	
Shelter costs	\$2,202.68
Less 50% of adjusted gross income	<u>-\$735.10</u>
Total shelter hardship	\$1,467.58 (Cannot exceed \$586 unless elderly or disabled)
<u>NET ADJUSTED INCOME</u>	
Adjusted gross income	\$1,470.20
Less shelter hardship	<u>-\$586.00</u>
Net Adjusted Income (NAI)	\$884.20
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for Four Persons	\$782.00
Less 30% of NAI	<u>-\$266.00</u>
SNAP award	\$516.00

The Appellant's correct SNAP benefit is \$516.00 monthly for an assistance unit of four.

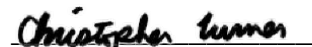
DECISION

The Appellant's appeal is granted.

ORDER

The Department is instructed to adjust the Appellant's household composition to reflect the prorated income for six household members and not five. Since all eligible households are receiving the maximum SNAP benefit for their household size due to the Federal Coronavirus Responses Act of 2020, no SNAP supplement is needed.

Proof of compliance will consist of the appropriate Impact screen(s) and is due no later than [REDACTED] 2021.


Christopher Turner
Hearing Officer

Cc: Carol Sue Shannon, Operations Manager, Danbury
David Dominique, DSS Danbury

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 Department of Social Services, Director, Office of Administrative Hearings and Appeals, 55 Farmington Avenue, Hartford, CT 06105-3725.

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, 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. 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.