

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVE.
HARTFORD, CT 06105-3725

■■■■■ ■■■ 2021
Signature Confirmation

Client ID ■■■■■
Case ID ■■■■■
Request # 171875

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

On ■■■■■ ■■■ 2020, the Department of Social Services (the "Department") sent ■■■■■■■■■■■■■■■■■■■■■ (the "Appellant") a Notice of Action ("NOA) closing her benefits under the Supplemental Nutrition Assistance Program ("SNAP") effective ■■■■■ ■ 2021.

On ■■■■■ ■■■ 2021, the Appellant requested an administrative hearing to contest the Department's decision to close such benefits.

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 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing.

The following individuals called in for the hearing:

■■■■■■■■■■■■■■■■■■■■, Appellant
Lucas Kennedy, Department Representative
Lisa Nyren, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's [REDACTED] [REDACTED] 2020 decision to close the Appellant's benefits under the SNAP effective [REDACTED] [REDACTED] 2021 was correct.

FINDINGS OF FACT

1. The Department certified the Appellant's SNAP eligibility for a twelve (12) month period beginning [REDACTED] [REDACTED] 2019. (Exhibit 1: Notice of Renewal of Eligibility and Department Representative's Testimony)
2. In [REDACTED] 2020, due to the public health emergency, the Department extended the Appellant's SNAP certification period through [REDACTED] [REDACTED] 2020. (Exhibit 1: Notice of Renewal of Eligibility and Department Representative's Testimony)
3. On [REDACTED] [REDACTED] 2020, the Department issued the Appellant a Notice of Renewal of Eligibility ("renewal notice") to the Appellant. The renewal notice stated the Appellant must complete the paper renewal form or an electronic renewal online and provide all required proofs by [REDACTED] [REDACTED] 2020 or your SNAP benefits may stop. "Your benefits will end on [REDACTED] [REDACTED] 2020 if we do not get your renewal form, all required proofs and you do not complete your interview. If your benefits close you may contact us to request a new application form, or you submit a new application online at www.connect.ct.gov." (Exhibit 1: Notice of Renewal)
4. The Appellant received the [REDACTED] [REDACTED] 2020 renewal notice and paper renewal form. (Appellant's Testimony)
5. On [REDACTED] [REDACTED] 2020, the Department issued the Appellant a Warning Notice ("warning notice"). The warning notice states that the Department did not receive the Appellant's renewal document and instructed the Appellant to return the renewal form by [REDACTED] [REDACTED] 2020 to continue to receive benefits without interruption. The Department will discontinue benefits effective [REDACTED] [REDACTED] 2020 if the renewal process is not completed by [REDACTED] [REDACTED] 2020. (Exhibit 2: Warning Notice)
6. The Appellant did not receive the warning notice. (Appellant's Testimony)
7. The Department did not receive the Appellant's completed renewal form. (Hearing Record)
8. On [REDACTED] [REDACTED] 2020, the Department closed the Appellant's benefits under the SNAP effective [REDACTED] [REDACTED] 2021 for failure to complete the renewal process. (Hearing Record)

9. On [REDACTED] [REDACTED] 2020, the Department issued the Appellant a Notice of Action (“NOA”). The NOA states the Appellant not eligible for benefits under the SNAP effective [REDACTED] [REDACTED] 2021 for the following reasons: “Renewal form was not submitted, renewal process not completed, no household members are eligible for this program, [and] does not meet program requirements.” (Exhibit 3: Notice of Action)
10. The issuance of this decision is timely under Title 7 Section 273.15(c) of the Code of Federal Regulations, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] [REDACTED] 2021. Therefore, this decision is due not later than [REDACTED] [REDACTED] 2021.

CONCLUSIONS OF LAW

1. Section 17b-2(7) 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.”) § 273.10(f) provides as follows:

Certification periods. The State agency must certify each eligible household for a definite period of time. State agencies must assign the longest certification period possible based on the predictability of the household's circumstances. The first month of the certification period will be the first month for which the household is eligible to participate. The certification period cannot exceed 12 months except to accommodate a household's transitional benefit period and as specified in paragraphs (f)(1) and (f)(2) of this section.

3. Families First Coronavirus Response Act of 2020, Pub. L. No. 116-117 Section 2302(a)(2) (“FFCRA”) provides for Nutrition Waivers. Making emergency supplemental appropriations for the fiscal year ending September 30, 2020, and for other purposes. In the event of a public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of coronavirus disease 2019 (COVID-19) and the issuance of an emergency or disaster declaration by a State based on an outbreak of COVID-19, the Secretary of Agriculture – may adjust, at the request of State agencies or by guidance in consultation with one or more State agencies, issuance methods and application and reporting requirements under the Food and Nutrition Act of 2008 to be consistent with what is practicable under actual conditions in affected areas. 29 USC 2601

On March 20, 2020, the Food and Nutrition Service (“FNS”) approved the Department’s adjustment request # COV-005 to extend certification periods under 7 C.F.R. § 273.10(f)(5) for a period up to six months for ongoing SNAP households who are due for recertification through May 31, 2020 statewide under the Families First Coronavirus Response Act. (United State Department of Agriculture, Food and Nutrition Services, Supplemental Nutrition Assistance Program, Director Program Development Division, March 20, 2020 Letter of Approval)

On April 22, 2020, FNS permitted the Department to extend certification periods under 7 C.F.R. § 273.10(f)(5) for a period up to six months for ongoing SNAP households who are due for recertification through June 30, 2020 as permitted by the Families First Coronavirus Response Act. (United State Department of Agriculture, Food and Nutrition Services, Supplemental Nutrition Assistance Program, Director Program Development Division, EO Guidance Document FNS-GD-2020-0049, April 22, 2020)

4. Federal regulation provides as follows:

The State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time application for recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in paragraph (e)(3) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the case file, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in § 273.2(b)(2) and provide the household with a notice of required verification as specified in § 273.2(c)(5).

7 C.F.R. § 273.14(b)(2)

Federal regulation provides as follows:

Application for recertification. Eligibility for recertification shall be determined based on circumstances anticipated for the certification period starting the month following the expiration of the current certification period. The level of benefits for recertifications shall be based on the same anticipated circumstances, except for retrospectively budgeted households which shall be recertified in accordance with §273.21(f)(2). If a household, other than a migrant or seasonal farmworker household, submits an application after the household's certification period has expired, that application shall be considered an initial application and benefits for that month shall be prorated in accordance with paragraph (a)(1)(ii) of this

section. If a household's failure to timely apply for recertification was due to an error of the State agency and therefore there was a break in participation, the State agency shall follow the procedures in §273.14(e). In addition, if the household submits an application for recertification prior to the end of its certification period but is found ineligible for the first month following the end of the certification period, then the first month of any subsequent participation shall be considered an initial month. Conversely, if the household submits an application for recertification prior to the end of its certification period and is found eligible for the first month following the end of the certification period, then that month shall not be an initial month.

7 C.F.R. § 273.10(a)(2)

5. Federal regulation provides as follows:

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. Household must apply for recertification and comply with interview and verification requirements.

7 C.F.R. § 273.14(a)

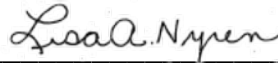
6. The Department correctly extended the Appellant's certification period an additional six months due to the public health emergency moving the 12 month expiration period from [REDACTED] [REDACTED] 2020 to [REDACTED] [REDACTED] 2020 as provided by FFCRA.
7. The Department correctly closed the Appellant's benefits under the SNAP effective [REDACTED] [REDACTED] 2021 because the Appellant's certification period under the SNAP expired on [REDACTED] [REDACTED] 2020 and the Department did not receive the renewal form from the Appellant. Federal regulation stipulates that no household may participate beyond the expiration of the certification period assigned without a determination of eligibility for a new period. The Appellant's certification period began on [REDACTED] [REDACTED] 2019 and expired on [REDACTED] [REDACTED] 2020. Without a new eligibility determination for SNAP prior to the expiration of the certification period, benefits must end.
8. On [REDACTED] [REDACTED] 2020, the Department correctly issued the Appellant a Notice of Action informing the Appellant that her benefits under the SNAP would close effective [REDACTED] [REDACTED] 2021 for the reasons: "renewal form was not submitted, renewal process not completed, no household members are eligible for this program, and does not meet program requirements."

DISCUSSION

The Appellant testified she received the SNAP renewal notice issued by the Department on [REDACTED] 2020 and returned the completed renewal form and supporting documents to the Department prior to the due date. The Department completed a document search using the Appellant's name, case id and client number and did not locate the Appellant's renewal form or any documents submitted by Appellant for the period [REDACTED] 2020 through [REDACTED] 2020. Federal regulation stipulates that no household may participate beyond the expiration of the certification period assigned without a determination of eligibility for a new period, therefore the Department's action to discontinue the Appellant's SNAP benefits is correct.

DECISION

The Appellant's appeal is denied.



Lisa A. Nyren
Fair Hearing Officer

CC: Brian Sexton, DSS RO #50
Lucas Kennedy, DSS RO #50

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.