

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 # 173820

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, 2021, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) discontinuing her benefits under the Supplemental Nutritional Assistance Program (“SNAP”) effective ██████████ 2021.

On ██████████ 2021, the Appellant requested an administrative hearing to contest the Department’s decision to discontinue SNAP benefits.

On ██████████, 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for March 29, 2021.

On ██████████ 2021, the Appellant requested that OLCRAH reschedule her ██████████ 2021 administrative hearing.

On ██████████ 2021, OLCRAH issued a notice rescheduling the Appellant’s administrative hearing on ██████████, 2021.

On [REDACTED] 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 telephonically.

The following individuals were present at the hearing:

[REDACTED], Appellant
Marybeth Mark, Department's Representative
Sara Hart, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department's decision to discontinue the Appellant's SNAP benefits effective [REDACTED] 2021 was correct.

FINDINGS OF FACT

1. The Appellant was a recipient of SNAP benefits for herself as a household size of one. The Department certified her benefits for the period of [REDACTED] 2020 through [REDACTED] 2021. (*Exhibit 1: Notice of Renewal of Eligibility [REDACTED]*)
2. On [REDACTED] 2020, the Department sent the Appellant a notice of renewal of eligibility ("W-1ERL") for her SNAP benefits. The notice gave a due date of [REDACTED] 2021. (*Exhibit 1*)
3. The Appellant received the [REDACTED], 2020 W-1ERL form. (*Appellant's Testimony*)
4. On [REDACTED] 2021, the Department sent the Appellant a Warning Notice stating that the renewal form had not been received and to continue getting benefits without interruption she must return the form by [REDACTED] 2021. The notice further stated that if she did not return the form, complete an interview, and send in all the proofs, the Department would discontinue SNAP benefits on [REDACTED], 2021. (*Exhibit 2; Warning Notice [REDACTED]/2021*)
5. The Appellant did not return a completed renewal form to the Department by the [REDACTED], 2021 deadline. (*Appellant's Testimony, Department's Testimony*)
6. On [REDACTED] 2021 the Department issued a NOA to the Appellant closing her SNAP benefits effective [REDACTED] 2021, for failure to complete the renewal process. (*Exhibit 3: NOA [REDACTED]/2021*)

7. On [REDACTED] [REDACTED] 2021, the Appellant's SNAP benefits closed. (*Department's Testimony*)
8. The issuance of this decision is timely under the Title 7 of 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] 2021. An additional 17 days were added due to the Appellant's request to reschedule the [REDACTED] 2021 administrative hearing, therefore, this decision is due no later than [REDACTED] 2021.

CONCLUSIONS OF LAW

1. Section 17b-2(7) 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. Title 7 of the Code of Federal Regulations ("C.F.R.") § 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 of time the documents should cover.

The Department correctly informed the Appellant of the SNAP recertification requirements.

3. 7 C.F.R. § 273.14(b)(2) provides that 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 of application for recertification. The provisions of §273.2(c)(7) regarding acceptable signatures on applications also apply to applications used at 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 casefile, 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).

The Department correctly sent the Appellant an application for recertification of SNAP benefits.

4. 7 C.F.R. § 273.14(b)(1)(i) provides in relevant part the State agency shall provide households a notice of expiration (NOE) at the time of certification before the first day of the last month of the certification period, but not before the first day of the next-to-the-last month.

7 C.F.R. § 273.14(b)(1)(ii) provides in relevant part each State agency shall develop a NOE. The NOE must contain the following: (A) The date the certification period expires; (B) The date by which a household must submit an application for recertification in order to receive uninterrupted benefits; (C) The consequences of failure to apply for recertification in a timely manner.

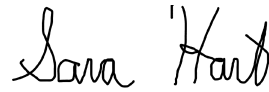
The Department properly issued notices to the Appellant informing her that a SNAP renewal of eligibility must be completed. The Department correctly informed the Appellant of the due date and consequences for failure to complete the recertification process.

5. 7 C.F.R. § 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.

The Department correctly determined the Appellant must complete the recertification process. The Department correctly discontinued the Appellant's SNAP benefits because she did not complete the SNAP recertification process.

DECISION

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



Sara Hart
Hearing Officer

CC: Cheryl Stuart, Operations Manager Norwich Regional Office
Marybeth Mark, Department Representative 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.