

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 # 174987

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

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

On ██████████ 2021, the Appellant requested an administrative hearing to contest the Department's decision to discontinue 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, 17-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing. The following individuals were present at the hearing:

██████████, Appellant was not present for this hearing, he was out of town
██████████, Appellant's Authorized Representative
Jermaine Williams, Department Representative
Almelinda McLeod, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to discontinue the Appellant's SNAP benefit for failure to complete the redetermination process was correct.

FINDINGS OF FACT

1. On ██████████ 2021, the Department received the Appellant's SNAP redetermination application for a household of two. (Exhibit 3, application)
2. At the time of the SNAP application, this household consisted of the Appellant and his ██████ year-old daughter. (Exhibit 3, application)
3. The Appellant's daughter is a full-time college student who is employed with two jobs. (Hearing summary, Exhibit 3 and Exhibit 4, Case notes),
4. The Appellant has a rental obligation of \$1500 per month. (Hearing summary and Exhibit 4)
5. On ██████████ 2021, the Department issued a W-1348, Proofs We Need form requesting verification of her income from the two jobs and school information. The due date for these requested verifications was ██████████, 2021. (Exhibit 1, W-1348)
6. The Department conducted a thorough search using the Appellant's name, client identification number and the case number and did not find any of the requested verifications it requested. (Hearing record)
7. On ██████████ 2021, the Department did not receive the requested verifications it needed to determine eligibility for SNAP benefits. (Hearing record)
8. On ██████████ 2021, the Department issued a NOA to the Appellant notifying the Appellant that the SNAP benefits were discontinued effective ██████████ 2021 because the renewal process was not completed. (Exhibit 2, NOA)
9. The Appellant's A-rep confirmed that none of the requested verification were submitted as they misunderstood what was required of them. They were waiting for new school information to come in instead of sending the Department the most current information they had. (Hearing record)
10. The Appellant did not request help or more time from the Department to get the requested verifications. (Hearing record, A-Rep testimony)

11. 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] 2021; therefore, this decision is due not later than [REDACTED] 2021.

CONCLUSIONS OF LAW

1. Section 17b-(7) of the Connecticut General Statutes authorizes the commissioner of the Department of Social Services to administer the SNAP pursuant to the Food and Nutrition Act of 2008.
2. “The department’s uniform policy manual (“UPM”) 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 correctly notified the Appellant that he was due for a redetermination.**
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).
6. UPM § 1505.30 (A) (2) (b) provides that the office interview is conducted as a condition of eligibility in the food stamp program.

7. UPM §1505.30 (G) (3) provides for the food stamp program, the Department conducts a telephone interview or a home visit once every twelve months if the office interview is waived.
- 8. The Department correctly conducted a telephone interview.**
9. 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.
10. 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.
11. UPM §1010.05 (A) (1) provides 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.
12. UPM §1015.05 (C) provides 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.
13. UPM §1015.10 (A) provides 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.
14. UPM §1505.40 (C) (1) (c) provides that the applicant is considered responsible for incomplete applications if the Department has taken the following actions: offered assistance in completing applications materials or procuring difficult to obtain verification; or with the exception of (3) below, has allowed at least ten days from the date it notifies the applicant


of a required action for the applicant to complete the action, including requests to provide verification.

- 15. The Department correctly sent the Appellant the W-1348, Proofs We Need verification list requesting proofs needed to determine SNAP eligibility.**
- 16. The Department correctly allowed the Appellant 10 days to submit the requested verifications.**
- 17. The Appellant did not request help or more time to get the requested verifications; therefore, there was no further action required from the Department.**
18. 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).
19. UPM § 1545.35 (A) (1) provides- 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.
20. UPM § 1545.35 (A) (2) provides the following actions must be timely completed 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.”
21. UPM § 1545.40 (B) (2) (a) provides 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.

22. UPM § 1545.40(B)(2)(b) provides discontinuance is automatic, regardless of the reason for the incomplete redetermination.”
23. UPM § 1545.40 (B) (2) (c) provides good cause in not a consideration in the FS program.”
24. UPM § 1545.40 (A)(2) provides that unless otherwise stated, assistance is discontinued on the last day of the redetermination month if eligibility is not reestablished through the redetermination process.
- 25. The Department correctly determined that they did not receive the requested verifications by the end date of the certification period.**
- 26. The Department correctly discontinued the SNAP benefits effective [REDACTED] 2021.**

DECISION

The Appellant’s appeal is DENIED.



Almelinda McLeod
Hearing Officer

CC: Rachel Anderson, SSOM New Haven
Cheryl Stuart, SSOM New Haven
Lisa Wells, SSOM New Haven
Jermaine Williams, Fair hearing Liaison, New Haven

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.