

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

██████████
Signature Confirmation

Case ID # ██████████
Client ID # ██████████
Request # 176715

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, the Department of Social Services (the "Department") issued a Notice of Action ("NOA") to ██████████ (the "Appellant") discontinuing her Supplemental Nutrition Assistance Program ("SNAP") benefits due to excess income.

On ██████████, the Appellant requested an administrative hearing to contest the Department's discontinuance of her SNAP benefits.

On ██████████, the Office of Legal Counsel, Regulations, and Administrative Hearings, ("OLCRAH") issued a notice scheduling the administrative hearing for ██████████.

On ██████████, the Appellant requested to reschedule her administrative hearing.

On ██████████, OLCRAH issued a notice rescheduling the administrative hearing for ██████████.

On ██████████, in accordance with sections 17b-60, 17b-61, and 4-176e to 4-184, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing.

The following individuals participated in the hearing:

██████████, Appellant
Ferris Clare, Department's Representative
Sara Hart, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department correctly discontinued the Appellant's SNAP benefits.

FINDINGS OF FACT

1. On ██████████, the Appellant submitted an online application for SNAP benefits. (*Exhibit 1: Online Application*)
2. On ██████████, the Department reviewed the application and conducted a SNAP telephone interview with the Appellant. A Proofs We Need form (W1348) was issued requesting proof of self-employment income. The form gave a due date of ██████████ and provided examples of acceptable documentation. (*Exhibit 2: W1348 ██████████*)
3. On ██████████, the Department granted the Appellant expedited SNAP. (*Exhibit 8: Case Notes*)
4. The Appellant received \$87.00 in SNAP for the period of ██████████ 2021, through ██████████ 2021, and \$219.00 in SNAP for the period of ██████████, through ██████████. (*Exhibit 3: NOA ██████████*)
5. On ██████████, the Appellant submitted proof of self-employment income. (*Exhibit 8*)
6. On ██████████, the Department issued a NOA discontinuing the Appellant's SNAP benefits, effective ██████████, because her gross income exceeded the program limits. (*Exhibit 4: ██████████*)
7. On ██████████, the Department reviewed the Appellant's income verifications and issued a NOA approving the Appellant's SNAP benefits, effective ██████████. (*Exhibit 8, Exhibit 6: NOA ██████████*)

8. 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]. The hearing, however, which was originally scheduled for [REDACTED], was rescheduled to [REDACTED], at the request of the Appellant. The Appellant’s request to reschedule the administrative hearing caused a 14-day delay, therefore, this decision is due no later than [REDACTED].

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. “The department’s uniform policy manual (“UPM”) is the equivalent of 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. UPM § 1570.25(C)(2)(k) provides that the Fair Hearing Official renders a Fair Hearing decision in the name of the Department, in accordance with the Department’s policies and regulations, to resolve the dispute.

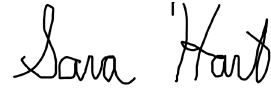
UPM § 1570.25(F)(2)(a) provides that matters considered at the Fair Hearing include decisions by the Department regarding eligibility for benefits in both initial and subsequent determinations.

The Appellant’s hearing issue has been resolved; therefore, there is no issue on which to rule. “When the actions of the parties themselves cause a settling of their differences, a case becomes moot.” McDonnell v. Maher, 3 Conn. App.336 (Conn. App. 1985), citing, Heitmuller v. Stokes, 256 U.S. 359, 362-3, 41 S. Ct. 522, 523-24, 65 L. Ed. 990 (1921).

The issue for which the Appellant originally requested the hearing has been approved, there is no practical relief that can be afforded through an administrative hearing.

DECISION

The Appellant's appeal is dismissed as moot.



Sara Hart
Hearing Officer

Cc: Debra James, Department Representative New Haven Regional Office
Ferris Clare, Department Representative New Haven Regional Office
Rachel Anderson, Operations Manager New Haven Regional Office
Matthew Kalarickal, Operations Manager New Haven Regional Office
Lisa Wells, Operations Manager New Haven 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.