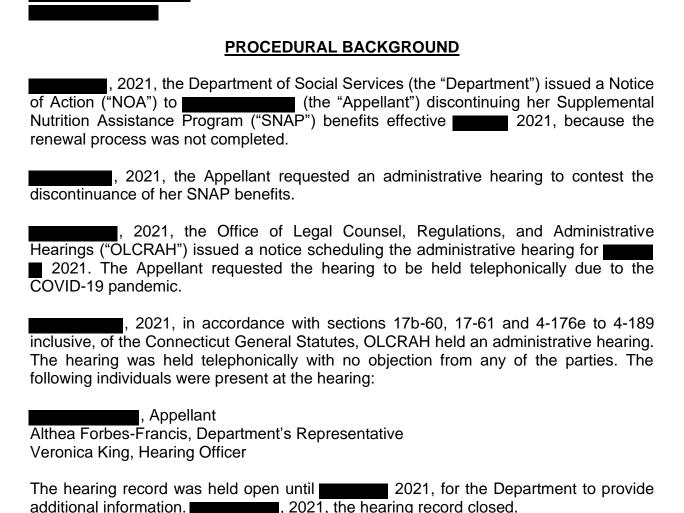
# STATE OF CONNECTICUT DEPARTMENT OF SOCIAL SERVICES OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS 55 FARMINGTON AVENUE HARTFORD, CT 06105-3725

Signature Confirmation

Request #178056

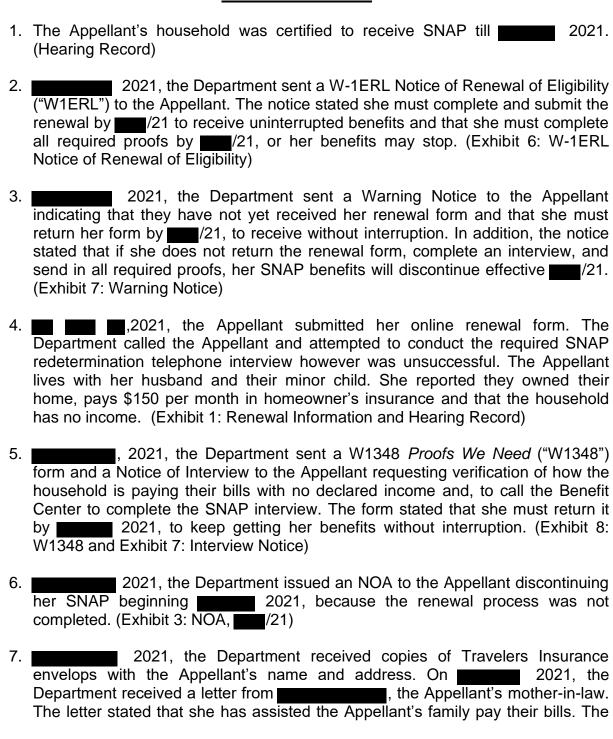
## NOTICE OF DECISION PARTY



#### **STATEMENT OF THE ISSUE**

The issue is whether the Department was correct when it discontinued the Appellant's SNAP benefits effective 2021.

### **FINDINGS OF FACT**



letter did not provide the amount and frequency of the financial help. (Exhibit 9: Letter received 21 and Hearing Record)

8. 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 2021; therefore, this decision is due not later than 2021.

#### **CONCLUSIONS OF LAW**

- 1. Section 17b-2 of the Connecticut General Statutes, authorizes the Commissioner of the Department of Social Services to administer the SNAP in accordance with federal law.
- 2. Title 7 of the Code of Federal Regulations ("CFR") § 273.14(a) provides as follows:

General. 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.

- 3. "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, 2017 Conn. 601, 573 A.2d 712 (1990)).
- 4. "Assistance units are required to complete a redetermination form at each redetermination". UPM § 1545.25(A)
- 5. "Assistance units that do not complete the redetermination form within the time limits specified in this chapter may be subject to discontinuance or an interruption in benefits." UPM § 1545.25(D)
- 6. "The following actions must be timely completed in order 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." UPM § 1545.35(A)(2)

- 7. "Unless otherwise stated, assistance is discontinued on the last day of the redetermination month if eligibility is not reestablished through the redetermination process." UPM § 1545.40(A)(2)
- 8. In the FS program: "a. 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. b. Discontinuance is automatic, regardless of the reason for the incomplete redetermination. c. Good cause is not a consideration in the FS program." UPM § 1545.40(B)(2) ("FS" refers to "Food Stamps", the former name for SNAP)
- 9. The Department correctly sent a required SNAP redetermination form.
- 10. The Department correctly sent the Appellant a W1348 form requesting verification of factors that are conditions of eligibility must be provided.
- 11. The Department correctly sent the required Notice of Interview.
- 12. The Appellant did not provide required needed verification to reestablished SNAP eligibility timely.
- 13. The Appellant did not complete the required needed interview to reestablished SNAP eligibility before 2021.
- 14. 2021, the Department correctly discontinued the Appellant's SNAP benefits effective 2021, because her benefits were not certified for a new period of eligibility.

#### **DECISION**

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

Veronica King Hearing Officer

Veronica King

cc: Patricia Ostroski, DSS Operational Manager, DO#52 New Britain Althea Forbes-Francis, DSS Fair Hearing Liaison, DO#52 New Britain

#### 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 <u>specific</u> grounds for the request: for example, indicate what error of fact or law, <u>what</u> new evidence, or <u>what</u> 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.