

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

Client ID # ██████████
Request # ██████████

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, 2021, the Department of Social Services (the “Department”) sent ██████████ ██████████ (the “Appellant”) a Notice of Action (“NOA) proposing to discontinue his Supplemental Nutrition Assistance Program (“SNAP”) benefits for failing to complete the renewal process.

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:

██████████ the Appellant
Kristin Haggan, Eligibility Services Worker, Department’s representative
Roberta Gould, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to discontinue the Appellant's SNAP benefits was correct.

FINDINGS OF FACT

1. On [REDACTED] 2021, the Department mailed the Appellant a Notice of Renewal of Eligibility form, requesting that the form be returned to the Department or that the Appellant complete the form online by [REDACTED], 2021, for SNAP benefits to continue. (Exhibit 1: Notice of renewal of eligibility form dated [REDACTED] and Hearing summary)
2. On [REDACTED] 2021, the Department mailed the Appellant a Warning Notice, indicating that they had not received his SNAP renewal form. (Exhibit 2: Warning notice dated [REDACTED] and Hearing summary)
3. On [REDACTED] 2021, the Department notified the Appellant that his SNAP benefits would be discontinued effective [REDACTED], 2021, because he had not completed the review process. (Exhibit 3: Notice of action dated [REDACTED] and Hearing summary)
4. On [REDACTED] 2021, the Department discontinued the Appellant's SNAP benefits effective [REDACTED] 2021, because he failed to complete the renewal process. (Exhibit 3 and Hearing summary)
5. On [REDACTED] 2021, the Department received the Appellants SNAP renewal form. (Department's testimony)
6. 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 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-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. 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 Connecticut Supp. 175, 178 (1994) (citing Connecticut General Statute § 17b-10; *Richard v. Commissioner of Income Maintenance*, 214 Connecticut 601, 573 A.2d 712 (1990))

3. Uniform Policy Manual (“UPM”) § 1545.15(A)(1) provides, in part, that the Department is required to provide assistance units with timely notification of the required redetermination.
4. 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.

The Department correctly provided the Appellant with a renewal form, notification of when his SNAP benefits would expire, and a warning notice that benefits would be discontinued.

5. UPM § 1545.25(A) provides that assistance units are required to complete a redetermination form at each redetermination.
6. UPM § 1545.25(D) provides that 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.
7. UPM § 1545.35(A)(2) provides that the redetermination form must be filed and completed and the office interview must be completed, unless exempt from the requirement and required verification of factors that are conditions of eligibility must be provided in order to receive uninterrupted (SNAP) benefits.

The Department was correct when it determined that the Appellant did not complete the renewal process.

8. UPM § 1560.15(B) provides that “For an assistance unit which causes a delay in processing due to lack of cooperation in providing eligibility information the beginning date of Food Stamp assistance is:
 1. The date the Department receives a signed application when all information required for a decision to grant is submitted within 30 days following the date of application; or
 2. The date the FS applicant provides the necessary information or takes the necessary action to complete the application process, when all eligibility information is submitted in the second thirty day period.”

The Department was correct when it determined that the beginning date of SNAP assistance is the date the Department receives a signed application because

more than 30 days have elapsed since the discontinuance of the Appellant's SNAP benefits.

9. 7 CFR § 273.14(a) provides in part 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.
10. 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.
11. UPM § 1545.40(B)(2) provides that a. eligibility for the SNAP 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; and c. good cause is not a consideration in the SNAP.

On [REDACTED] [REDACTED] 2021, the Department was correct when it took action to discontinue the Appellant's SNAP benefits effective [REDACTED] 2021.

DECISION

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



Roberta Gould
Hearing Officer

Cc: Cheryl Stuart, Social Services Operations Manager, DSS Norwich
Kristin Haggan, Eligibility Services Worker, DSS Norwich

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 06105-3725.

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, 55 Elm Street, 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.