

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 #182739

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) discontinuing his benefits from the Supplemental Nutrition Assistance Program (“SNAP”) effective ██████████ 2021 because the renewal form was not submitted, and the renewal process was not completed.

On ██████████ 2021, the Appellant requested an administrative hearing to appeal the discontinuance of his SNAP benefits.

On ██████████ 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2021. The hearing was scheduled to be held telephonically, at the Appellant’s request, due to the COVID-19 pandemic.

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
Kristin Haggan, Hearing Liaison for the Department
James Hinckley, Hearing Officer

STATEMENT OF THE ISSUE

Whether the Department was correct when it discontinued the Appellant's SNAP benefits effective [REDACTED] 2021 due to his failure to complete the renewal process.

FINDINGS OF FACT

1. The Appellant's household was certified to receive SNAP for the period from [REDACTED] 2020 to [REDACTED] 2021. (Ex. 1: *Notice of Renewal of Eligibility*)
2. On [REDACTED] 2021, the Department issued a *Notice of Renewal of Eligibility* to the Appellant. The notice advised him that he had to submit the renewal by [REDACTED] 2021 to receive uninterrupted benefits, and that he had to complete his form and submit all required proofs by [REDACTED] 2021 or his benefits could end. (Ex. 1)
3. On [REDACTED] 2021, the Department issued a *Warning Notice* to the Appellant. The notice advised him that the Department had not yet received his renewal form and that he had to return it by [REDACTED] 2021 to keep getting his benefits without interruption. The notice also advised him that if he did not return the form, complete an interview and send in all proofs, the Department would discontinue his benefits effective [REDACTED] 2021 because he did not complete his renewal on time. (Ex. 2: *Warning Notice*)
4. On [REDACTED] 2021, the Department issued an NOA to the Appellant discontinuing his SNAP benefits effective [REDACTED] 2021 for the reasons that the renewal form was not submitted, and the renewal process was not completed. (Ex. 3: NOA)
5. The *Notice of Renewal of Eligibility*, *Warning Notice*, and NOA were all mailed to the Appellant's correct address. (Ex. 1, Ex.2, Ex. 3, Appellant's testimony)
6. The Appellant recalls receiving the *Warning Notice*. After receiving the *Warning Notice*, he attempted to contact the Department by telephone but was unsuccessful. (Appellant's testimony)
7. None of the three notices was returned by the post office as undeliverable, according to a Department search of its mailing records. (Hearing Liaison's testimony)
8. The Appellant never completed and returned the renewal form; he asserted that he never received the form. (Appellant's testimony)

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, 177 (1994) (citing Conn. Gen. Stat. 17-3f(c) [now 17b-10]; *Richard v. Commissioner of Income Maintenance*, 214 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. “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.” [“FS” refers to “Food Stamps”, the former name for SNAP]
UPM § 1545.40(B)(2)(a)

9. The Department could not renew the Appellant's SNAP benefits because the Appellant never submitted his SNAP renewal document to the Department.
10. The Department was correct when it discontinued the Appellant's SNAP benefits effective [REDACTED] 2021, because his benefits were not certified for a new period of eligibility.

DISCUSSION

SNAP benefits end upon the expiration of the certification period if the benefits are not renewed for a new period. The Appellant received the Department's *Warning Notice* more than 45 days before his benefits expired and had ample time and opportunity to complete his renewal, even if he had to obtain a new form in order to fulfill the requirements.

DECISION

The Appellant's appeal is DENIED.

James Hinckley

James Hinckley
Hearing Officer

cc: Cheryl Stuart
Kristin Haggan

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, 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.