

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3730

██████████ 2021
Signature Confirmation

Case ID # ██████████
Client ID ██████████
Request #183452

NOTICE OF DECISION

PARTY

██████████
██████████
██████████
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PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) advising that her Supplemental Nutrition Assistance Program (“SNAP”) benefits were discontinued because her income exceeded the income limit for the SNAP program.

On ██████████ 2021, the Appellant requested an administrative hearing because she disagrees with the Department’s decision.

On ██████████ ██████████, 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling an administrative hearing for ██████████, 2021. The Hearing was scheduled to be held telephonically 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 regarding the issue of the denial of the SNAP benefits. The following individuals participated via telephone:

██████████, the Appellant
Xiomara Natal, Hearing Liaison

Swati Sehgal, Hearings Officer

Hearing record was left open for submission of additional information and hearing record closed on [REDACTED] 2021.

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 Appellant completed an online renewal form for SNAP benefits. (Exhibit 2: Eligibility Renewal Form; [REDACTED]/21, Hearing Summary)
2. On [REDACTED] 2021, the Department conducted a telephone interview. The Appellant reported new employment with [REDACTED] and stated that she earns \$1460 bi-weekly. (Exhibit 1: Case Notes, and Department's Testimony)
3. The Department calculated the Appellant's monthly income as \$3139.00 (\$1460.00 x 2.15). (Hearing Summary)
4. On [REDACTED] 2021, the Department discontinued the Appellant's SNAP benefits as of [REDACTED] 2021, for over income and issued a Notice informing "amount of your income we count is higher than the SNAP benefit amount for your household size". (Exhibit 5: Notice of Action, [REDACTED]/21)
5. On [REDACTED] 2021, the Appellant requested a fair hearing. (Exhibit 1: Case Notes, Hearing Record)
6. On [REDACTED] 2021, the Department contacted the Appellant. The Appellant indicated that her rental obligation has increased from \$59.00 to \$952.00 a month. The Department requested verification of rental amount and issued w-1348, Proofs We Need Form asking for verification of rental amount and verification of her income. Due date to return this information was [REDACTED], 2021. (Exhibit 1, Exhibit 3 & 4: Proofs We Need Form)
7. On [REDACTED] 2021, the hearing was held, the Appellant stated that her rent has increased, and she also pays for childcare expenses. The Department informed the Appellant that she has until [REDACTED] 2021 to provide verifications. (Appellant's Testimony)

8. On [REDACTED] [REDACTED] 2021, the Appellant provided a letter from the Department of Housing indicating that her rent amount has increased to \$766.00 a month. The Department did not receive verification of childcare expenses. (Exhibit 13: Case Notes, [REDACTED]/21)
9. On [REDACTED] 2021, the Department updated the Appellant's shelter amount. The Department approved the Appellant's SNAP benefits as of [REDACTED] 2021 and overturned the denial. The Department issued a Notice of Action informing her of such. (Exhibit 14: Notice of Action, [REDACTED]/21)
10. 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. This decision is due not later than [REDACTED] 2021, and therefore is timely.

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 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. Uniform Policy Manual ("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. The Fair Hearing decision is intended to resolve the dispute
4. UPM § 1570.25(F)(1) provides that the Department must consider several types of issues at an administrative hearing, including the following:
 - a. eligibility for benefits in both initial and subsequent determinations.
5. The Department has approved the Appellant's request for SNAP benefits. Thus, the Appellant has not experienced any loss of benefits.
6. 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 service which the Appellant had originally requested 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.

Swati Sehgal
Swati Sehgal
Hearing Officer

Cc: Yecenia Acosta, DSS Operations Manager, DSS, Bridgeport
Tim Latifi, DSS Operations Manager, DSS, Bridgeport
Robert Stewart, DSS Operations Manager, DSS, Bridgeport
Xiomara Natal, Hearing Liaison, DSS, Bridgeport

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, 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.