

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

██████████ 2022  
Signature Confirmation

Case ID #: ██████████  
Client ID #: ██████████  
Request # 190509

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██████████  
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**NOTICE OF DISMISSAL**

On ██████████, 2022, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a copy of a Notice of Overpayment and Recoupment ("W-0058N) issued ██████████ 2019, due to not reporting Unemployment benefits received for ██████████ 2019, ██████████ 2019, and ██████████ 2019.

On ██████████ 2022, the Appellant requested an administrative hearing to contest the Department's decision to seek Recoupment of the Overpayment.

On ██████████ 2022, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling an administrative hearing for ██████████ 2022.

On ██████████, OLCRAH issued a notice rescheduling an administrative hearing for ██████████ 2022.

On ██████████ 2022, 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  
Jerrett Wyant Department's Representative  
Shawn P. Hardy Hearing Officer

## STATEMENT OF THE ISSUE

The issue is whether the Department correctly determined that it overpaid the Appellant SNAP benefits and that the Department must recover these benefits.

## FINDINGS OF FACT

1. On [REDACTED] [REDACTED] 2019, the Department sent the Appellant a Notice of Overpayment and Recoupment ("W-0058N) stating she was overpaid SNAP benefits for the period from [REDACTED] 2019 to [REDACTED] 2019, for failure to report receipt of Unemployment Compensation Benefits ("UCB"). (Hearing Record)
2. On [REDACTED], 2022, the Department sent the Appellant a copy of the [REDACTED], 2019 W-0058N. (Exhibit 1: "W-0058N [REDACTED]")
3. On [REDACTED] 2022, the Appellant requested an administrative hearing to dispute the overpayment of SNAP benefits. (Exhibit 12: Hearing Request, [REDACTED] 2022)
4. On [REDACTED] 2022, OLCRAH issued a notice scheduling an administrative hearing regarding Recoupment of the Overpayment. (Exhibit 13: Notice of Administrative Hearing)

## 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 program.
2. Title 7 of the Code of Federal Regulations ("CFR") Section 273.15(g) provides for the time period for requesting hearing. A household shall be allowed to request a hearing on any action by the State agency or loss of benefits which occurred in the prior 90 days. Action by the State agency shall include a denial of a request for restoration of any benefits lost more than 90 days but less than a year prior to the request. In addition, at any time within a certification period a household may request a fair hearing to dispute its current level of benefits.

**The Department issued the Appellant the Notice of Overpayment on [REDACTED] 2019; therefore, the Appellant needed to submit a hearing request on this issue no later than [REDACTED] 2019.**

**The Appellant requested the hearing on [REDACTED] 2022. The Appellant did not submit a timely request; therefore, the Appellant is not entitled to a hearing.**

**DECISION**

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

**DISCUSSION**

OLCRAH granted the Appellant a hearing on the overpayment issue in error based on the reissuance of the overpayment notice dated [REDACTED], 2022.

*Shawn P. Hardy*

Shawn P. Hardy  
Hearing Officer

Pc: Jerrett Wyant Department's Representative  
Althea Forbes-Francis, Department's Representative  
Patricia Ostroski, SSOM

### **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

