

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 # 187356

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the “Department”) issued a warning notice to ██████████ (the “Appellant”) indicating that it will discontinue the Appellant’s Supplemental Nutrition Assistance Program (“SNAP”) benefits effective ██████████ 2021, if she does not complete the review 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 ██████████ 2022.

On ██████████ 2022, in accordance with sections 17b-60, 17b-61, and 4-176e to 4-184, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephonic conferencing.

The following individuals participated in the hearing:

██████████ Appellant
Jacqueline Taft, Department’s Representative
Christopher Turner, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department was correct when it discontinued the Appellant's SNAP benefits effective [REDACTED] 2021, for failure to complete the recertification process.

FINDINGS OF FACT

1. On [REDACTED] 2021, the Department sent the Appellant a Notice of Renewal of Eligibility ("W-1ERL"). The notice indicated the Appellant's benefit period to be [REDACTED] 2020, through [REDACTED] 2021. Also, the notice indicated the renewal form must be received by [REDACTED] 2021 to receive uninterrupted benefits or benefits may stop on [REDACTED] 2021. (Exhibit 1: W-1ERL)
2. On [REDACTED] 2021, the Department received the Appellant's SNAP application for recertification. (Exhibit 6: Case notes; Exhibit 8: Document search)
3. On [REDACTED] 2021, the Appellant's SNAP closed for failure to complete the recertification process. (Exhibit 2: Notice; Record)
4. On [REDACTED] 2021, a Department representative started to process the Appellant's renewal and sent the Appellant a proofs we need form as well as an interview notice. (Exhibit 4: Proofs we need; Exhibit 6)
5. On [REDACTED] 2021, a Department representative completed a phone interview with the Appellant. The Department's representative informed the Appellant that she needed to submit requested verifications within 30 days of closure, or she would need to reapply. (Exhibit 6)
6. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.15 (c) (1) which provides that within 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and the local agency is notified of the decision. The Appellant requested an administrative hearing on [REDACTED] 2021, with this decision due no later than [REDACTED] 2022, since [REDACTED] 2022, is a [REDACTED] (Hearing Record)

CONCLUSIONS OF LAW

1. Connecticut General Statutes § 17b-2 provides that the Department of Social Services is designated as the state agency for the administration of (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

7 C.F.R. § 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 before the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

The Department has the authority to review the Appellant's SNAP application for recertification and determine whether her household meets the program's eligibility requirements.

2. 7 C.F.R. § 273.14(b)(2) provides the State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time of application for recertification. The provisions of §273.2(c)(7) regarding acceptable signatures on applications also apply to applications used at recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in paragraph (e)(3) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the casefile, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in §273.2(b)(2) and provide the household with a notice of required verification as specified in §273.2(c)(5).

7 C.F.R. § 273.14(c)(2) provides households reporting required changes in circumstances that submit applications by the 15th day of the last month of the certification period shall be considered to have made a timely application for recertification.

7 C.F.R. § 273.14(e) (1) provides that if an eligible household files an application before the end of the certification period but the recertification process cannot be completed within 30 days after the date of the application because of State agency fault, the State agency must continue to process the case and provide a full month's allotment for the first month of the new certification period. The State agency shall determine cause for the delay in processing a recertification application in accordance with the provisions of § 273.2(h)(1).

The Appellant's application for recertification was received on [REDACTED] 2021, though the review process did not start until [REDACTED] 2021. As a result, the Appellant is entitled to her [REDACTED] 2021 SNAP allotment while the Department acts on her SNAP recertification.

DISCUSSION

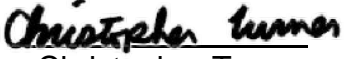
The Appellant's application for SNAP recertification was received before the end of her certification period but not handled until [REDACTED] 2021. Given that, the Department was required to continue to process the case and provide the Appellant a full month's allotment for the first month of the new certification period, [REDACTED] 2021.

DECISION

The Appellant's appeal is granted.

ORDER

1. The Department shall issue the Appellant her [REDACTED] 2021 SNAP allotment and continue to process the Appellant's application for recertification.
2. Proof that SNAP benefits have been granted to the Appellant for [REDACTED] 2021 with no break in participation shall be forwarded to the undersigned no later than [REDACTED] 2022 and will consist of a copy of the Appellant's grant notice.


Christopher Turner
Hearing Officer

Cc: Rachel Anderson, Operations Manager New Haven
Mathew Kalarickal, Operations Manager New Haven
Lisa Wells, Operations Manager New Haven
Jacqueline Taft, DSS New Haven

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, law, and 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 Legal Counsel, Regulations, and Administrative Hearings, 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 if 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 06105-3725. 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 her 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.