

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 # 187366

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████, 2021, the Department of Social Services (the “Department”) sent ██████████, (the “Appellant”) a Notice of Action (“NOA”) granting his application for Supplemental Nutrition Assistance Program (“SNAP”) for only ██████████r 2021, and informing him to complete the application process to keep getting SNAP benefits after ██████████, 2021.

On ██████████, 2021, the Appellant requested an administrative hearing to contest the Department’s decision.

On ██████████, 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2022. The hearing was scheduled to be held telephonically due to the COVID-19 pandemic.

On ██████████, 2022, in accordance with sections 17b-60, 17b-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  
Cristopher Filek, Department’s Representative  
Swati Sehgal, Hearing Officer

The hearing record remained open for the submission of additional information. Exhibits were received from the Department and the record was closed on [REDACTED] 2022.

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department's decision to deny the Appellant's application for SNAP due to failure to complete the application process was correct.

### **FINDINGS OF FACT**

1. On [REDACTED], 2021, the Department received an online application for SNAP benefits. (Exhibit 1: Case Notes, Summary)
2. On [REDACTED], 2021, the Department reviewed the application, and determined that the Appellant had earnings in month for [REDACTED] and did not qualify to receive expedited SNAP benefits, however his income ended in [REDACTED]r 2021, and he qualified for expedited SNAP benefits for [REDACTED] 2021. The Department granted expedited SNAP benefits for [REDACTED] 2021. (Hearing Summary, Exhibit 1, Exhibit 3: NOA, [REDACTED]/21)
3. On [REDACTED] 2021, the Department attempted to reach the Appellant to complete a mandatory telephone interview. The Department also sent a W-1348 Proofs We Need ("W1348") form, with a due date of [REDACTED]/21 and stated that the Department will take an action on the SNAP application by [REDACTED]/21. (Exhibit 7: W-1348 Form dated [REDACTED]/21)
4. On [REDACTED] 2021, the Department sent an Interview notice to the Appellant. The notice stated that the Appellant must complete his SNAP interview before the denial date of [REDACTED]/21. (Exhibit2: Interview Notice dated [REDACTED]/21)
5. On [REDACTED] 2021, the Department sent a Notice of Missed Interview with the denial date of [REDACTED], 2021. Exhibit 5: Notice of Missed Interview, [REDACTED]/21)
6. On [REDACTED] 2021, the Appellant called the Department's benefit center line for Long Term Care to complete the mandatory interview. The Department transferred the Appellant's call to the SNAP unit. It is unclear why the SNAP interview was not completed. (Exhibit 1: Case Notes and Hearing Record)

7. On [REDACTED], 2021, the Department denied the Appellant's application for [REDACTED] 2022 for the SNAP program. (Hearing Summary, and Hearing Record)
8. On [REDACTED], 2022, on the day of hearing, the Department completed the interview process, and discovered that the Appellant has started receiving Unemployment. His monthly gross Unemployment income of \$2,577.85(\$599.50 weekly unemployment income x 4.3 weeks) is above the income limit to receive SNAP benefits for household of one. (Hearing Record, Exhibit 8: NOA, [REDACTED]/22)
1. On [REDACTED] 2022, the Department reopened the SNAP application as of [REDACTED] 2022, and denied it for over income. The Department issued a notice of action stating the monthly gross income of your household is more than the limit for this program. (Exhibit 8)
2. 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, this decision is due not later than [REDACTED], 2022.

### **CONCLUSIONS OF LAW**

1. Section 17b-2 of the Connecticut General Statutes provides that the Department of Social Services is designated as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.
2. "The department's uniform policy manual is the equivalent of a 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. 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.

**On the [REDACTED] 2022, the Department conducted the phone interview, reopened, and processed the SNAP Application as of [REDACTED] 2022.**

### **DISCUSSION**

On the [REDACTED], 2022, the day of the administrative hearing, the Department conducted the phone interview and completed the application process for [REDACTED] 2022. Through the interview process, the Department discovered that the Appellant has started receiving unemployment benefits, and that puts him above the income limit for SNAP program for household of one. The Department issued a notice of action on [REDACTED], 2022, denying the Appellant's SNAP application for over income for [REDACTED] and ongoing.

Since the Department has completed the interview and processed the Appellant's SNAP application there is no issue for me to rule on. However, the Appellant has appeal rights to the Notice of Action Department issued on [REDACTED] 2022.

### **DECISION**

The Appellant's appeal is Dismissed as moot.

Swati Sehgal  
Swati Sehgal  
Hearing Officer

Cc: Brian Sexton, Operations Manager; DSS R.O. #50; Middletown.  
Christopher Filek, Hearing Liaison, DSS R.O. #50; Middletown.

### **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 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.