

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

[REDACTED] 2022
SIGNATURE CONFIRMATION

**CASE # [REDACTED]
CLIENT ID # [REDACTED]
REQUEST# [REDACTED]**

NOTICE OF DECISION

PARTY

[REDACTED]
[REDACTED]
[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED] 2021, the Department of Social Services (the "Department") issued a Notice of Action ("NOA") to [REDACTED] (the "Appellant") informing him that his Supplemental Nutritional Assistance Program ("SNAP") benefits would be discontinued effective [REDACTED] 2021.

On [REDACTED], 2022, the Appellant requested an administrative hearing to appeal the Department's decision to discontinue his SNAP.

On [REDACTED] 2022, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative Hearing for [REDACTED] 2022.

On [REDACTED], 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 hearing was held telephonically at the Appellant's request. The following individuals participated in the hearing:

[REDACTED], Appellant
Debra James, Department's representative
Joseph Alexander, Administrative Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly discontinued the Appellant's SNAP effective [REDACTED] 2021, due to the Appellant's institutionalization.

FINDINGS OF FACT

1. The Appellant's household consist of one person; Himself (Hearing Record).
2. The Appellant's SNAP eligibility period began [REDACTED] 2020, and ended on [REDACTED] 2021. (Department's Exhibit 1: Renewal of Eligibility)
3. On [REDACTED], 2021, the Department mailed a W-1ER Renewal of Eligibility notice/form to the Appellant at [REDACTED]. The notice/form specified the renewal must be completed, signed, and returned to the Department by [REDACTED] 2021, to avoid delayed processing of the renewal. (Department's Exhibit 1: Renewal of Eligibility)
4. On [REDACTED] 2021, the Appellant was residing in the [REDACTED] located at [REDACTED]. (Appellant's Testimony)
5. On [REDACTED], 2021, the Department sent a Warning Notice to the Appellant as no renewal form had been returned by [REDACTED] 2021. (Department's Exhibit 2: Warning Notice)
6. On [REDACTED] 2021, the Department sent a Notice of Action to the Appellant regarding the discontinuance of SNAP due to the following reasons: (Department's Exhibit 3: Notice of Action)
 - No Household Members Eligible for this program
 - Does not meet program requirements
 - Living in a facility that is no approved for SNAP
 - Gets more than half of meals at facility not approved for SNAP
7. On [REDACTED] 2021, the Appellant's SNAP was discontinued. (Department's Exhibit 3: Notice of Action)
8. On [REDACTED], 2022, the Appellant was released from [REDACTED] [REDACTED] (Appellant's Testimony)
9. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within [REDACTED] days of the request for an Administrative Hearing. The hearing request was received on [REDACTED], 2022 therefore, this decision is due no later than [REDACTED], 2022.

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 in accordance with federal law.
2. Title 7 of the Code of Federal Regulations (“CFR”) § 273.14(a) states in part, “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.”

The Department correctly issued a W-1ER Renewal of Eligibility form to the Appellant. The Appellant’s SNAP certification period correctly ended on [REDACTED], 2021.

3. 7 CFR § 273.2(c)(1)(iv) & 7 CFR § 273.14(c)(1)-(4) provides for the timely renewal application. To file timely, EDGs must provide a signed and dated renewal application by the 15th day of the last month of their benefit period. The renewal application can be submitted:
 - by mail
 - in-person
 - online through MyAccount, or
 - through the Social Security office

Eligibility Determination Groups (“EDG”) lose their right to uninterrupted benefits when they fail to timely file. The case automatically closes at the end of the benefit period of the renewal application is not provided by the last day of the benefit period.

4. 7 CFR § 273.14(b)(1)(i) and (iii) provides for the notice of expiration. EDGs must receive notice that their current benefit period is ending and what they must do to continue to receive SNAP benefits.

The Department correctly issued a Warning Notice to the Appellant informing him that the SNAP benefit would be discontinued unless a renewal form was returned to the Department.

5. 7 CFR § 273.1(b)(7)(vi) provides for residents of institutions. Individuals who receive 50% of 3 meals daily from an institution (college, nursing, home, etc.) where they live are residents of institutions. Residents of institutions are not eligible for SNAP. Residents of institutions include individuals in prison.

The Department correctly determined the Appellant was residing in an institution and therefore not eligible for SNAP under 7 CFR § 273.1(b)(7)(vi).

DISCUSSION:

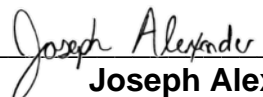
The issue of this hearing was the discontinuance of the Appellant's SNAP due to him being institutionalized and therefore not eligible for SNAP under 7 CFR § 273.1(b)(7)(vi).

The renewal notice/form sent to the Appellant on [REDACTED], 2021, and the subsequent warning notice sent to the Appellant on [REDACTED], 2021, both specify the SNAP would be discontinued if the renewal form was not completed, signed, and returned to the Department. No mention of ineligibility due to institutionalization was made on either notice. According to these two notices, the Appellant's SNAP should have been discontinued for failing to complete a renewal which would be supported by 7 CFR § 273.2(c)(1)(iv) & 7 CFR § 273.14(c)(1)-(4).

Although the outcome is the same regardless of the Appellant residing in an institution or the Appellant failing to complete the renewal, the undersigned Hearing Officer determined it necessary to make this distinction in order for the record to reflect the true reason the Appellant's SNAP was discontinued which was failure to complete the renewal process.

DECISION

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



Joseph Alexander
Administrative Hearing Officer

CC: Rachel Anderson, Operations Manager, DSS, New Haven Regional Office
Mathew Kalarickal, Operations Manager, DSS, New Haven Regional Office
Lisa Wells, Operations Manager, DSS, New Haven Regional Office
Debra James, Administrative Hearing Liaison, DSS, New Haven Regional Office

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.