

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

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Request # 191746

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

On ██████████ 2022, the Department of Social Services (the "Department") sent ██████████ (the "Appellant"), a Notice of Action ("NOA") discontinuing his Supplemental Nutrition Assistance Program ("SNAP") benefits effective ██████████ 2022.

On ██████████ 2022, the Appellant requested an administrative hearing to contest the discontinuance of the Appellant's SNAP benefits.

On ██████████ 2022, 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, 17-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing. The following individuals participated in the hearing:

████████████████████ Appellant
Rose Montinant, Department's Representative
Carla Hardy, Hearing Officer

Due to the COVID-19 Pandemic, the hearing was held as a telephonic hearing.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly discontinued the SNAP benefit.

FINDINGS OF FACT

1. On [REDACTED] 2022, the Department mailed a Renewal Notice to the Appellant informing him that he must complete the renewal form by [REDACTED] [REDACTED] 2022, to receive uninterrupted SNAP benefits. (Exhibit 2: Notice of Renewal of Eligibility, [REDACTED]/22)
2. The Appellant's SNAP certification period began on [REDACTED] 2021, and had an end date of [REDACTED] 2022. (Exhibit 2)
3. On [REDACTED] 2022, the Department mailed the Appellant a Warning Notice informing him that they had not received his Renewal Form and that that his SNAP benefits would be terminated effective [REDACTED] 2022, if the Renewal Form was not received by [REDACTED], 2022. (Exhibit 3: Warning Notice, [REDACTED]/22; Hearing Summary)
4. On [REDACTED] 2022, the Department received the Appellant's Access Health CT ("AHCT") medical application. (Exhibit 5: Document Search; Department's Testimony)
5. On [REDACTED] 2022, the Department notified the Appellant that the SNAP benefits would be discontinued effective [REDACTED] [REDACTED] 2022, because the Renewal Form was not submitted. (Exhibit 4: NOA, [REDACTED]/22)
6. On a date unknown to the Appellant, he contacted the Department regarding changing his password. (Appellant's Testimony)
7. On a date unknown to the Appellant, the Appellant spoke to the Department who informed him that he could complete his renewal online. When the Appellant access his account, he did not see the option to complete his renewal. He was given the option to request a hearing. (Appellant's Testimony)
8. On [REDACTED] 2022, the Department gave client his username and reset his password. (Exhibit 6: Case Notes)
9. On [REDACTED] 2022, the Appellant requested a hearing. (Hearing Record)
10. On [REDACTED] 2022, the Department searched its records for the Appellant's Renewal Form by checking the Document Search under the Appellant's client

identification number, case number, and first and last name. They did not locate the Appellant's Renewal Form. (Exhibit 5; Department's Testimony)

11. The Appellant is partially blind. He has not requested an accommodation from the Department because he did not know that it was available to him. (Appellant's Testimony)
12. 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] 2022. Therefore, 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. Title 7 of the Code of Federal Regulations ("C.F.R.") Section 273.2(c)(5) provides that the State agency shall provide each household at the time of application for certification and recertification with a notice that informs the household of the verification requirements the household must meet as part of the application process. The notice shall also inform the household of the State agency's responsibility to assist the household in obtaining required verification provided the household is cooperating with the State agency as specified in (d) (1) of this section. The notice shall be written in clear and simple language and shall meet the bilingual requirements designated in § 272.4 (b) of this chapter. At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period to time the documents should cover.

The Department correctly notified the Appellant that he was due for recertification and that his SNAP Renewal must be completed by [REDACTED] 2022, to receive uninterrupted benefits.

3. 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 prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

The Department correctly determined that the Appellant's certification period terminated on [REDACTED] 2022.

The Department correctly determined that they did not receive the Appellant's renewal form.

4. Title 7 C.F.R. § 273.14(b)(3) provides that as part of the recertification process, the State agency must conduct an interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The provisions of §273.2(e) also apply to interviews for recertification. The State agency may choose not to interview the household at interim recertification within the 12-month period. The requirement for an interview once every 12 months may be waived in accordance with §273.2(e)(2).

The Department correctly issued a notice warning the Appellant that the renewal form and the interview were not completed.

On [REDACTED] 2022, the Department correctly discontinued the SNAP benefits effective [REDACTED] 2022, because they did not receive the renewal form by the end of the certification period.

DECISION

The Appellant's appeal is DENIED.



Carla Hardy
Hearing Officer

Pc: Musa Mohamud, Judy Williams, Jessica Carroll, Taneisha Hayes, Rose Montinant, Department of Social Services, Hartford 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.