

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

██████████
██████████
Request # 193919

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 her Supplemental Nutrition Assistance Program (“SNAP”) benefits effective ██████████ 2022.

On ██████████ 2022, the Appellant requested an administrative hearing to contest the discontinuance of her 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 (“Conn. Gen. Stat.”), OLCRAH held an administrative hearing. The following individuals participated in the hearing:

██████████ Appellant
Javier Rivera, Department’s Representative
Carla Hardy, Hearing Officer

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

The hearing record remained open for the Department to submit additional evidence, which was received. The hearing record closed on [REDACTED] 2022.

STATEMENT OF THE ISSUE

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

FINDINGS OF FACT

1. The Appellant's SNAP certification period began on [REDACTED], 2021, with an end date of [REDACTED] 2022. (After Hearing Exhibit 8: Notice of Renewal of Eligibility)
2. On [REDACTED] 2022, the Department mailed a Renewal Notice to the Appellant informing her the renewal must be received by [REDACTED] 2022, to prevent a delay in the renewal process. She was also notified that her SNAP benefits may end if she did not submit the renewal form and all the required proofs by [REDACTED] 2022. (Exhibit 8)
3. On [REDACTED] 2022, the Department mailed the Appellant a Warning Notice informing her that they did not receive her Renewal Form and that her SNAP benefits would be terminated effective [REDACTED], 2022, if the Renewal Form was not received by [REDACTED], 2022. (Exhibit 9: Warning Notice, [REDACTED]/22)
4. On [REDACTED], 2022, the Department received the Appellant's Online Renewal Form. (Exhibit 1: Case Notes; Exhibit 2: Online Renewal Form; Hearing Summary)
5. On [REDACTED] 2022, the Department was not successful in reaching the Appellant by telephone to conduct the renewal interview. (Exhibit 1; Hearing Summary)
6. On [REDACTED] 2022, the Department mailed the Appellant an interview notice informing her that she must be interviewed; and that she could conduct the interview in person or call the Benefit Center at 855-626-6632. (After Hearing Exhibit 10: Interview Notice, [REDACTED]/22)
7. On [REDACTED] 2022, the Department notified the Appellant that her SNAP benefits would be discontinued effective [REDACTED] 2022, because she did not complete the renewal process. (Exhibit 7: NOA, [REDACTED]/22)

8. The Appellant's SNAP was discontinued because she did not complete her telephone interview. (Department's Testimony)
9. On [REDACTED] 2022, the Appellant tried to conduct the telephone interview by calling the Benefit Center telephone number and the telephone number on the back of her EBT card. She was not successful in reaching a representative of the Department. (Appellant's Testimony)
10. On [REDACTED] 2022, the Appellant called the Benefit Center to conduct her SNAP interview. She was not successful in reaching someone to complete the interview. (Appellant's Testimony)
11. The issuance of this decision is timely under the Code of Federal Regulations ("C.F.R.") § 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. (Hearing Record)

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 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 notified the Appellant in a timely manner that she was due for recertification.

3. Title 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.

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 determined that the Appellant did not complete the required interview.

5. Title 7 C.F.R. § 273.14(e)(2) provides if a household files an application before the end of the certification period, but fails to take a required action, the State agency may deny the case at that time, at the end of the certification period, or at the end of 30 days. Notwithstanding the State's right to issue a denial prior to the end of the certification period, the household has 30 days after the end of the certification period to complete the process and have its application be treated as an application for recertification. If the household takes the required action before the end of the certification period, the State agency must reopen the case and provide a full month's benefits for the initial month of the new certification period. If the household takes the required action after the end of the certification period but within 30 days after the end of the certification period, the State agency shall reopen the case and provide benefits retroactive to the date the household takes the required action. The State agency shall determine cause for any delay in processing a recertification application in accordance with the provisions of § 273.3(h)(1).

The Department correctly determined that the Appellant did not complete the renewal before the end of the certification period.

On [REDACTED] 2022, the Department correctly discontinued the SNAP benefits effective [REDACTED] 2022, because the Appellant did not complete the interview and therefore, did not complete the renewal process.

DECISION

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



Carla Hardy
Hearing Officer

Pc: Angelica Branfalt, Operations Manager, Javier Rivera, Hearing Liaison,
Department of Social Services, Manchester 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.