

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 # 196633

NOTICE OF DISMISSAL

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, 2022, the Department of Social Services (the "Department") sent ██████████ (the "Appellant"), a Warning Notice notifying her that they have not received her renewal form for the Supplemental Nutrition Assistance Program ("SNAP").

On ██████████, 2022, the Appellant requested an administrative hearing.

On ██████████, 2022, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling a telephonic 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
Glenn Guerrero, Department's Representative
Carla Hardy, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department took an adverse action when they sent the Appellant a Warning Notice.

FINDINGS OF FACT

1. The Appellant's SNAP certification period began on [REDACTED], 2022, with an end date of [REDACTED], 2022. (Exhibit 1: 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 1)
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 she did not submit the Renewal Form, required proofs, and complete an interview by [REDACTED], 2022. (Exhibit 2: Warning Notice, [REDACTED]/22)
4. On [REDACTED], 2022, the Appellant submitted her Renewal Form. (Exhibit 3: Renewal Form, [REDACTED]/22)
5. On [REDACTED], 2022, the Appellant requested an administrative hearing. (Exhibit 7: Online Hearing Request, [REDACTED]/22)
6. 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 Code of Federal Regulations ("C.F.R.") Section 273.15(a) provides except as provided in § 271.7(f), each State agency shall provide a fair hearing to any household aggrieved by any action of the State agency which affects the participation of the household in the Program.

3. Title 7 C.F.R. § 273.15(g) provides in part that a household shall be allowed to request a hearing on any action by the State agency or loss of benefits which occurred in the prior 90 days.
4. “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)).
5. Uniform Policy Manual (“UPM”) § 1570.05(A) provides that the purpose of the Fair Hearing Process is to allow the requester of the Fair Hearing to present his or her case to an impartial hearing officer if the requester claims that the Department has either acted erroneously or has failed to take a necessary action within a reasonable period of time.
6. UPM § 1570.05(H)(3) if the dispute involves a delay in action on an application, the assistance unit has the right to request a Fair Hearing as of the date the action becomes overdue, as described in this section.
7. Subject to the conditions described in this chapter, the requester has the right to a Fair Hearing if the Department does not take action on the assistance unit’s application within the time limits specified in Section 1500. [UPM § 1570.05(B)(2)]
8. UPM § 1545.40(A)(1)(a) provides that eligibility is redetermined by the end of the current redetermination period in all cases where sufficient information exists to reach a decision.
9. 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 criteria in this chapter, to resolve the dispute.
10. UPM § 1570.25(F) provides that the Department considers the following issues: (1) an action by the Department or failure by the Department to act, within the appropriate time limits described in this section, on the application for benefits, including: a) undue delay in reaching a decision on eligibility or in providing benefits; and b) refusal to consider a request for or undue delay in making an adjustment in the amount of benefits; and c) discontinuance, termination, or reduction of benefits. (2) decisions by the Department regarding: a) eligibility for benefits in both initial and subsequent determinations, b) amount of benefits or change in amount of benefits; and c) the manner or form in which benefits are issued, including protective payments; and d) the assessment of spousal assets.

The Appellant requested the administrative hearing prior to the end of her certification period.

The Appellant did not suffer a discontinuance or reduction in benefits prior to her hearing request.

The Department did not take an adverse action on the Appellant's case prior to her hearing request.

DISCUSSION

The Appellant's case was subsequently discontinued after her hearing request. That issue occurred after the hearing request and will be addressed in another administrative hearing.

DECISION

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



Carla Hardy
Hearing Officer

Pc: Jill Sweeney, Operations Manager, Glenn Guerrero, Hearing Liaison,
Department of Social Services, Torrington 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.