

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3730

██████████ 2022
Signature Confirmation

Case ID # ██████████
Client ID # ██████████
Request # 198123

NOTICE OF DECISION
PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2022, the Department of Social Services (the “Department”) issued a notice of action to ██████████ (the “Appellant”) granting her Supplemental Nutrition Assistance Program (“SNAP”) benefits effective ██████████ 2022, for \$160.00.

On ██████████ 2022, the Appellant requested an administrative hearing to contest the Department’s determination of the effective date of her SNAP assistance.

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, 17b-61, and 4-176e to 4-184, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephone.

The following individuals called in for the hearing:

██████████ Appellant
Rose Montinat, Department’s Representative
Christopher Turner, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department correctly determined the effective date of the Appellant's SNAP assistance.

FINDINGS OF FACT

1. On [REDACTED] 2019, the Appellant completed a face-to-face SNAP certification. The Appellant reported an address change to [REDACTED] CT. A Department representative completed the Appellant's SNAP recertification with the Appellant assigned a certification period of [REDACTED] 2019, through [REDACTED] 2022. The Appellant is [REDACTED] years old (DOB [REDACTED]) and along with her grandson comprises the assistance unit (DOB [REDACTED]). (Exhibit 1: Application; Exhibit 8: SNAP EDG Summary; Exhibit 9: Returned mail list with case notes; Appellant's testimony)
2. On May [REDACTED] 2019, the Department received a piece of mail returned by the post office ("RPO") from her previous address in [REDACTED]. No action was taken by the Department. (Exhibit 9)
3. On [REDACTED] 2019, the Department received a piece of mail returned by the post office ("RPO") from her previous address in [REDACTED]. No action was taken by the Department. (Exhibit 9)
4. On [REDACTED] 2020, the Department worked on a task concerning an RPO received on [REDACTED] 2020, from her previous [REDACTED] address. A note was made to verify the address at the next point of contact. No other action was taken by the Department. (Exhibit 9)
5. On [REDACTED] 2021, the Department received an RPO from her prior address. (Exhibit 9)
6. On [REDACTED] 2022, the Department worked on a task concerning an RPO received on [REDACTED] 2021, from her prior address. A note was made to verify the address at the next point of contact. No other action was taken by the Department. (Exhibit 9)
7. On [REDACTED] 2022, the Department sent the Appellant a renewal form to her prior address. (Record)
8. On [REDACTED] 2022, the Department sent the Appellant a renewal form warning notice to her prior address. (Exhibit 1: Warning notice)
9. On [REDACTED] 2022, the Department worked on a task concerning an RPO received on [REDACTED] 2022, from her prior address. A note was made to verify the address at the next point of contact. No other action was taken by the Department. (Exhibit 9)

10. On [REDACTED] 2022, the Department worked on a task concerning an RPO received on [REDACTED] 2022, from her prior address. A note was made to verify the address at the next point of contact. No other action was taken by the Department. (Exhibit 9)
11. On [REDACTED] 2022, the Department sent the Appellant a notice indicating her SNAP assistance will close effective [REDACTED] 2022, for failure to complete the recertification process. The notice was sent to her prior address. (Exhibit 2A: Notice)
12. On [REDACTED] 2022, the Appellant's SNAP assistance closed for failure to complete the recertification process. (Exhibit 2A; Record)
13. On [REDACTED] 2022, Department received an RPO from her previous address. (Exhibit 9)
14. On [REDACTED] 2022, the Department received an RPO from her prior address. (Exhibit 9)
15. On [REDACTED] 2022, the Department (AHCT) received an RPO from the Appellant's previous address. A note was made to verify the address at the next appointment or renewal. No other action was taken by the Department. (Exhibit 9)
16. On [REDACTED] 2022, the Appellant went to the [REDACTED] Regional Office and was given a reprint of her SNAP renewal form. The Appellant completed the renewal form which was forwarded to the Department's scanning hub. There is no indication in the case record that an interview was held while the Appellant was in the office. (Exhibit 7A: Case notes)
17. On [REDACTED] 2022, the Department sent the Appellant an interview notice to her current address. The notice informed the Appellant that she needed to complete an interview by [REDACTED] 2022, or her SNAP application will be denied on [REDACTED] 2022. (Exhibit 3: Interview notice)
18. On [REDACTED] 2022, the Department sent the Appellant a Proofs We Need form ("W-1348") requesting four current paystubs for the Appellant's grandson, a signed letter from his employer, or a completed Departmental form. The W-1348 instructed the Appellant that she needed to return the verifications by [REDACTED] 2022, with a [REDACTED] 2022, date the Department will act. The notice was sent to the Appellant's current address (Exhibit 5: W-1348)
19. On [REDACTED] 2022, the Department granted the Appellant expedited SNAP. The notice indicated the Appellant must complete an interview by [REDACTED] 2022, and send in required proofs before [REDACTED] 2022, to continue to receive SNAP assistance. The notice was sent to the Appellant's current address. (Exhibit 2A: Notice)
20. On [REDACTED] 2022, the Department sent the Appellant a notice of missed interview that indicated she did not complete her initial interview date of [REDACTED] 2022, and must do

so before the denial date of [REDACTED] 2022. The notice was sent to the Appellant's current address. (Exhibit 4: Notice of Missed Interview)

21. On [REDACTED] 2022, the Appellant completed a telephone interview with a Department representative. (Exhibit 7C: Case notes)
22. On [REDACTED] 2022, the Department received requested wage documents for the Appellant's grandson. (Exhibit 6: Wage stubs; 7D: Case notes)
23. On [REDACTED] 2022, the Appellant contacted the Department. A Department representative updated the household's wages and reinstated the Appellant's SNAP assistance effective [REDACTED] 2022. (Exhibit 2D: Notice; Exhibit 7D: Case notes)
24. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.15 (c) (1) which requires that within 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and the local agency are notified of the decision. The Appellant requested an administrative hearing on [REDACTED] 2022, with this decision due no later than [REDACTED] 2022, as [REDACTED] 2022, is a [REDACTED]. (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 (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

The Department has the authority to review the Appellant's SNAP application for recertification and determine whether her household meets the program's eligibility requirements.

2. 7 C.F.R. § 273.13 (a) provides that to any action to reduce or terminate a household's benefits within the certification period, the State agency shall, except as provided in paragraph (b) of this section, provide the household timely and adequate advance notice before the adverse action is taken.

7 C.F.R. § 273.13 (a)(1) provides that the notice of adverse action shall be considered timely if the advance notice period conforms to that period defined by the State agency as an adequate notice period for its public assistance caseload, provided that the period includes at least 10 days from the date the notice is mailed to the date upon which the action becomes effective. Also, if the adverse notice period ends on a weekend or holiday, and a request for a fair hearing and continuation of benefits is received the day after the weekend or holiday, the State agency shall consider the request timely received.

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.

7 C.F.R. § 273.14(b)(1)(i) provides that the State agency shall provide households certified for one month or certified in the second month of a two-month certification period a notice of expiration (NOE) at the time of certification. The State agency shall provide other households the NOE before the first day of the last month of the certification period, but not before the first day of the next-to-the-last month. Jointly processed PA and GA households need not receive a separate SNAP notice if they are recertified for SNAP benefits at the same time as their PA or GA redetermination.

7 C.F.R. § 273.14(b)(1)(ii) provides in relevant part that each State agency shall develop a notice of expiration (NOE). The NOE must contain the following: (A) The date the certification period expires; (B) The date by which a household must submit an application for recertification in order to receive uninterrupted benefits; (C) The consequences of failure to apply for recertification in a timely manner; (D) Notice of the right to receive an application form upon request and to have it accepted as long as it contains a signature and a legible name and address; (I) Notice that failure to attend an interview may result in delay or denial of benefits; and (J) Notice that the household is responsible for rescheduling a missed interview and for providing required verification information.

The Appellant's certification period was [REDACTED] 2019, through [REDACTED] 2022.

The Department failed to send the Appellant her [REDACTED] 2022, application for recertification and the [REDACTED] 2022, notice of adverse action to her current address.

The Department's determination of the effective date of the Appellant's eligibility for [REDACTED] 2022 SNAP benefits was incorrect. The Appellant is eligible for SNAP effective [REDACTED] 2022, and ongoing since the Department incorrectly discontinued the Appellant's SNAP benefits effective [REDACTED] 2022, since the Department did not properly notify the Appellant of the recertification requirement and it did not send the application for recertification to her correct address even after the Appellant reported and verified her new address during her [REDACTED] 2019, face to face recertification interview at the [REDACTED] office.


DECISION

The Appellant's appeal is granted.

ORDER

The Appellant is due the difference between the amount issued for [REDACTED] 2022 and [REDACTED] 2022 and the full months SNAP benefit for both.

Proof of compliance is due by [REDACTED] 2022, and will consist of a copy of the Appellant's benefit issuance history.


Christopher Turner
Hearing Officer

Cc: Josie Savastra, Operations Manager Hartford
Lindsey Collins, Operations Manager Hartford
Rose Montinat, DSS Hartford

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, law, and 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 06105-3725.

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 if 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 06105-3725. A copy of the petition must also be served to 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.