

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

██████████, 2023
Signature Confirmation

Case ID # ██████████
Client ID # ██████████
Hearing Request # ██████████

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, 2022, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) stating that her Supplemental Nutrition Assistance Program (“SNAP”) benefits were discontinued because she did not complete the renewal process.

On ██████████, 2023, the Appellant requested an administrative hearing because she disagreed with the discontinuance of her SNAP benefits.

On ██████████, 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a Notice scheduling the administrative hearing for ██████████, 2023.

On ██████████, 2023, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-184, inclusive, of the Connecticut General Statutes, the OLCRAH held an administrative hearing. The following individuals were present at the hearing:

██████████, the Appellant
Kelli McBride, Department’s Representative
Joseph Davey, Administrative Hearing Officer

The hearing record remained open to allow the Department time to submit additional information. All additional exhibits were received by ██████████, 2023, and the hearing record closed accordingly.

STATEMENT OF THE ISSUE

During the hearing, it was determined that the issue was a SNAP process delay.

FINDINGS OF FACT

1. On [REDACTED], 2022, the Appellant submitted an ONRE Online Renewal of Eligibility form to recertify her SNAP benefits for a household of five people. (Exhibit 1: ONRE, Online Renewal of Eligibility form dated [REDACTED])
2. The Appellant was [REDACTED] ([REDACTED]) years old at the time of recertification [DOB [REDACTED].] (Exhibit 1)
3. The Appellant lives with her two children and two wards. (Exhibit 1, Appellant's testimony)
4. The Appellant's son ([REDACTED] [REDACTED]) received \$841.00 per month in Supplemental Security Income ["SSI"] at the time of renewal. (Exhibit 1, Exhibit 3: Case notes [REDACTED]-[REDACTED])
5. The Appellant received \$366.00 per month in Temporary Family Assistance ("TFA") benefits at the time of renewal. (Exhibit 3)
6. The Appellant paid \$102.00 per month in rent at the time of renewal. (Exhibit 1, Exhibit 3, Department's testimony)
7. The Appellant paid for heating expenses at the time of renewal. (Exhibit 1, Department's testimony)
8. On [REDACTED], 2022, the Department's automated eligibility system initiated the renewal for processing. (Exhibit 3)
9. On [REDACTED], 2022, the Department issued a NOA to the Appellant closing the household's SNAP benefits effective [REDACTED], 2022, for failure to complete the renewal process. (Exhibit 2: W-0001N Notice of Action form dated [REDACTED])
10. The Department did not schedule an interview or attempt to contact the Appellant prior to the closure of the SNAP. (Department's testimony)
11. On [REDACTED], 2022, the Department contacted the Appellant and conducted a SNAP interview. No W-1348 (Request For Proofs form) was issued. (Exhibit 3)
12. The Department testified that all mandatory verifications needed to complete the recertification were received timely. (Department's testimony)

13. On [REDACTED], 2022, the Department encountered a system error when attempting to complete the SNAP renewal. A request to fix the system error (a "Ticket") was sent to the Department of Social Services Information Technology Services ("ITS") on the same day. (Exhibit 3)
14. On [REDACTED], 2022, the system error remained unresolved, and the Department issued the Appellant a manual SNAP benefit of \$665.00. (Exhibit 3, Exhibit 4: Benefit Issuance Record from [REDACTED] - [REDACTED], Department's testimony)
15. Between [REDACTED], 2022, and [REDACTED], 2023, the following manual SNAP benefits were issued to the Appellant: [REDACTED] 2022: \$665.00 [REDACTED] 2022: \$573.00 [REDACTED] 2022: \$573.00 [REDACTED] 2022: \$ 573.00 [REDACTED] 2023: \$908.00. (Exhibit 4)
16. As of [REDACTED], 2023, the date of the hearing, ITS had still not resolved the system issue, and the Appellant's SNAP case remains in closed status. (Department's testimony)

The issuance of this decision is timely under the Code of Federal Regulations ("C.F.R.") 273.15 (c)(1) which provides in part that "[w]ithin [REDACTED] 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 local agency are notified of the decision..." The Appellant requested an administrative hearing on [REDACTED], 2023. Therefore, this decision is due not later than [REDACTED], 2023. (Hearing Record)

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes provides the following: "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."

The Department has the authority to administer the SNAP program in Connecticut.

2. 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)(iii) provides that to expedite the recertification process, State agencies are encouraged to send a recertification form, an interview appointment letter that allows for either in-person or telephone interviews, and a statement of needed verification required by 273.2(c)(5) with the Notice of expiration.

The Appellant submitted her SNAP renewal timely on [REDACTED], 2022, before the end of her certification period.

3. 7 C.F.R. § 273.1(a) provides the following: *General household definition*. A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: (1) An individual living alone; (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

The Department correctly determined the Appellant's SNAP household is composed of five members.

4. 7 C.F.R. § 271.2 defines an elderly or disabled member as a member of a household who: (1) Is 60 years of age or older; (2) Receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act; (3) Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act.

The Department correctly determined that the Appellant's son is a disabled household member.

5. 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).

7 C.F.R. § 273.14(b)(3)(ii) provides that if a household receives PA/GA and will be recertified for SNAP benefits more than once in a 12-month period, the State agency may choose to conduct a face-to-face interview with that household only once during that period. At any other recertification during that year period, the State agency may interview the household by telephone, conduct a home visit, or recertify the household by mail.

The Department correctly conducted a SNAP recertification interview via telephone.

6. 7 C.F.R. § 273.14(b)(4) provides for *verification*. Information provided by the household shall be verified in accordance with § 273.2(f)(8)(i). The State agency shall provide the household a notice of required verification as provided in § 273.2(c)(5) and notify the household of the date by which the verification requirements must be satisfied. The household must be allowed a minimum of 10 days to provide required verification information. Any household whose eligibility is not determined by the end of its current certification period due to the time period allowed for submitting any missing verification shall receive an opportunity to participate, if eligible, within 5 working days after the household submits the missing verification and benefits cannot be prorated.

The Department received all mandatory verifications timely.

7. 7 CFR § 273.10(g)(2) provides for *applications for recertification*. The State agency shall provide households that have filed an application by the 15th of the last month of their certification period with either a notice of eligibility or a notice of denial by the end of the current certification period if the household has complied with all recertification requirements. The State agency shall provide households that have received a notice of expiration at the time of certification, and have timely reapplied, with either a notice of eligibility or a notice of denial not later than 30 days after the date of the household's initial opportunity to obtain its last allotment.

The Department incorrectly issued a NOA on [REDACTED], 2022, informing the Appellant her SNAP case was closed for failure to complete the renewal process. The Appellant completed the renewal process timely.

The Department failed to issue a notice of eligibility or a notice of denial within thirty (30) days of incorrectly closing the Appellant's SNAP case.

8. 7 C.F.R. § 273.14(d)(1)(2) provides for *timely processing*. (1) Households that were certified for one month or certified for two months in the second month of the certification period and have met all required application procedures shall be notified of their eligibility or ineligibility. Eligible households shall be provided an opportunity to receive benefits no later than 30 calendar days after the date the household received its last allotment. (2) Other households that have met all application requirements shall be notified of their eligibility or ineligibility by the end of their current certification period. In addition, the State agency shall provide households that are determined eligible an opportunity to participate by the household's normal issuance cycle in the month following the end of its current certification period.

7 C.F.R. § 273.14(e)(1) provides for *delayed processing*. (1) If an eligible household files an application before the end of the certification period but the recertification process cannot be completed within 30 days after the date of application because of State agency fault, the State agency must continue to process the case and provide a full month's allotment for the first month of the new certification period. The State

agency shall determine cause for any delay in processing a recertification application in accordance with the provisions of § 273.2(h)(1).

7 C.F.R. § 273.2(h)(1)(i)(ii) provides for *delays in processing*. If the State agency does not determine a household's eligibility and provide an opportunity to participate within 30 days following the date the application was filed, the State agency shall take the following action: (1) *Determining cause*. The State agency shall first determine the cause of the delay using the following criteria: (i) A delay shall be considered the fault of the household if the household has failed to complete the application process even though the State agency has taken all the action it is required to take to assist the household. The State agency must have taken the following actions before a delay can be considered the fault of the household: (A) For households that have failed to complete the application form, the State agency must have offered, or attempted to offer, assistance in its completion. (B) If one or more members of the household have failed to register for work, as required in [§ 273.7](#), the State agency must have informed the household of the need to register for work, determined if the household members are exempt from work registration, and given the household at least 10 days from the date of notification to register these members. (C) In cases where verification is incomplete, the State agency must have provided the household with a statement of required verification and offered to assist the household in obtaining required verification and allowed the household sufficient time to provide the missing verification. Sufficient time shall be at least 10 days from the date of the State agency's initial request for the particular verification that was missing. (D) For households that have failed to appear for an interview, the State agency must notify the household that it missed the scheduled interview and that the household is responsible for rescheduling a missed interview. If the household contacts the State agency within the 30 day processing period, the State agency must schedule a second interview. If the household fails to schedule a second interview, or the subsequent interview is postponed at the household's request or cannot otherwise be rescheduled until after the 20th day but before the 30th day following the date the application was filed, the household must appear for the interview, bring verification, and register members for work by the 30th day; otherwise, the delay shall be the fault of the household. If the household has failed to appear for the first interview, fails to schedule a second interview, and/or the subsequent interview is postponed at the household's request until after the 30th day following the date the application was filed, the delay shall be the fault of the household. If the household has missed both scheduled interviews and requests another interview, any delay shall be the fault of the household. (ii) Delays that are the fault of the State agency include, but are not limited to, those cases where the State agency failed to take the actions described in [paragraphs \(h\)\(1\)\(i\) \(A\) through \(D\)](#) of this section.

7 C.F.R. § 273.2(h)(4)(i) provides for delays beyond 60 days. If the State agency is at fault for not completing the application process by the end of the second 30-day period, and the case file is otherwise complete, the State agency shall continue to process the original application until an eligibility determination is reached. If the

household is determined eligible, and the State agency was at fault for the delay in the initial 30 days, the household shall receive benefits retroactive to the month of application.

The Department failed to process the Appellant’s recertification timely.

The Appellant’s household was not at fault for the delay.

The Department failed to provide the Appellant with a full month’s allotment for the first month of the new certification period.

8. POGA Communication dated [REDACTED] outlines Emergency SNAP Supplements – [REDACTED] 2022: DSS will provide Emergency SNAP supplements to all Connecticut SNAP households next Thursday, [REDACTED], 2022. The benefit amount a household will receive is still either \$95.00 or the difference between what the household received in [REDACTED] 2022 and what the maximum benefit amount is for their household size, whichever is greater. Also, households currently at the maximum benefit level for their household size will again receive \$95.00. Additionally: These extra benefits will be provided in addition to the benefits these households normally receive each month. There was no change to the normal SNAP distribution schedule.

The income limits and standards used in the SNAP are adjusted each year on the first day of October. The figures used for the SNAP period in question are effective from [REDACTED], 2021, through [REDACTED], 2022, and [REDACTED], 2022, through [REDACTED], 2023.

Maximum SNAP Allotment [REDACTED] - [REDACTED]

Household Size	Allotment
1	\$250
2	\$459
3	\$658
4	\$835
5	\$992
6	\$1190
7	\$1316
8	\$1504

Maximum SNAP Allotment [REDACTED] - [REDACTED]

Household Size	Allotment
1	\$281
2	\$516
3	\$740
4	\$939
5	\$1116
6	\$1339
7	\$1480
8	\$1691

The Department failed to issue the maximum benefit for a household of five for [REDACTED] 2022, [REDACTED] 2022, [REDACTED] 2022, [REDACTED] 2022, [REDACTED] 2022, and [REDACTED] 2023.

DISCUSSION

After review of the testimony and evidence presented, the Department is found to have discontinued the Appellant's SNAP benefits in error. The Appellant submitted her renewal timely, completed the mandatory SNAP interview, and per the Department's testimony, did not need to provide any further verifications. Although the Department encountered a system error that prevented the Appellant's renewal from being processed, the Department has had ample time to fix the issue and to date, has not.

Further, although the Department did issue manual SNAP benefits while attempting to resolve the system issue, they erred by not properly issuing the maximum SNAP benefit for the Appellant's household size as outlined by the POGA communication from [REDACTED], 2022.

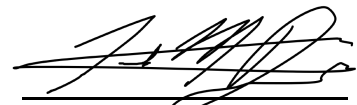
DECISION

The Appellant's appeal is **REMANDED** back to the Department for correction.

ORDER

1. The Department will either resolve the system error or screen the Appellant a new SNAP case and retain the original certification period.
2. If any information is deemed necessary to complete the recertification, the Department will issue a Request for Proofs and allow the Appellant (10) days to provide verification.
3. The Department will calculate the difference between the manual benefits issued to the Appellant and the maximum benefit for a household of five and will issue the Appellant the difference for the months of [REDACTED] 2022 through the present.
4. The Department will complete the processing of the Appellant's renewal and issue a notice of eligibility or a notice of denial.

5. The Department shall demonstrate compliance with this order no later than (25) days from the date of this decision. Verification of compliance shall be sent to the undersigned via email confirmation.



Joseph Davey
Administrative Hearing Officer

CC: Tim Latifi, Operations Manager, DSS, New Britain Regional Office
Kelli McBride, Fair Hearing Liaison, DSS, New Britain 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, 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 requested 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 the 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 the 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. 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 per §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.