

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

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

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

NOTICE OF DECISION
PARTY

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PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the "Department") issued a Notification of Overpayment and Recoupment to ██████████ (the "Appellant"), indicating she had been overpaid in Supplemental Nutrition Assistance Program ("SNAP") benefits from the Department of Social Services (the "Department") and that she must repay the overpayment.

On ██████████ ██████████, 2023, the Appellant requested an administrative to contest the Department's decision to recover such 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 of the Connecticut General Statutes, inclusive, the Department held an administrative hearing by phone.

The following individuals were present at the hearing:

██████████, the Appellant by phone
Javier Rivera, Departments representative
Scott Zuckerman, Hearing Officer

A separate hearing decision will be issued to address whether the Department correctly discontinued the Appellant's SNAP benefits because her household's gross income is above the limit for her household size.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly determined the Appellant was overpaid \$10,109.00 in SNAP benefits and that the Department must recover the overpaid benefits is correct.

FINDINGS OF FACT

1. On [REDACTED], 2023, the Department received the Appellant's online SNAP renewal. The Appellant reported the household consists of herself and her three minor children. (Exhibit 1: Case Notes; Exhibit 2: Online renewal; Hearing summary)
2. On [REDACTED], 2023, the Department received verification of wages, proof of student status, and loans. The Appellant provided birth certificates for her two youngest children. The Department discovered, [REDACTED], the father of the Appellant's two youngest children and Legally Liable relative ("LLR") is residing at the Appellant's address, [REDACTED]. The Department determined by DMV search that [REDACTED] had three cars registered at the same address as well as his driver's license and his job listing him living at the [REDACTED] address. (Exhibit 1: Case Notes; Exhibit 4: CT License/ID search; Exhibit 5: The Work Number; Exhibit 7: Birth Certificate and Hearing Summary)
3. On [REDACTED], 2023, the Department sent the Appellant a Notice of Action. The notice stated the Appellant's SNAP benefits closed effective [REDACTED] 2023, for the reason, "The monthly gross income of your household is more than the limit for this program". (Exhibit 8: Notice of Action, [REDACTED]/23)
4. On [REDACTED] 2023, the Department's Fraud unit received a referral. The Fraud unit determined that the LLR owns the home that the Appellant resides in with the children. A vehicle search and drivers license search list the LLR at [REDACTED]. The Department attempted a home visit, a vehicle was in the driveway owned by the LLR. (Exhibit 1: Case notes)
5. On [REDACTED] 2023, the Department looked back on wages for the Appellant and the LLR. The Department determined the Appellant's household's gross income exceeded 130% of the Federal Poverty level for a family of four in [REDACTED] 2 and should have reported this change by [REDACTED], 2022. The Department determined the Appellant was overpaid SNAP benefits beginning [REDACTED] 2022. (Exhibit 1: Case Notes)

6. In [REDACTED] 2022, the LLR received the following wages from employment at [REDACTED] [REDACTED] totaling \$ 4,297.19: [REDACTED]/22 \$1,089.72; [REDACTED]/22 \$1,134.59; [REDACTED]/22 \$920.00; [REDACTED]/22 \$1,152.88. (Exhibit 5: The Work Number)
7. In [REDACTED] 2022, the LLR received the following wages from employment at [REDACTED] [REDACTED] Totaling \$5909.86: [REDACTED]/22 \$1,228.09 + [REDACTED]/22 \$1,362.64 + [REDACTED]/22 \$1,541.69 + [REDACTED]/22 \$228.50 + [REDACTED]/22 \$1,548.94. (Exhibit 5: The Work Number)
8. In [REDACTED] 2022, the LLR received the following wages from employment at [REDACTED] [REDACTED] totaling \$5900.99: [REDACTED]22 \$1,175.99; [REDACTED]/22 \$1,386.72; [REDACTED]/22 \$1,186.08; [REDACTED]/22 \$994.20; [REDACTED]/22 \$1,158.00. (Exhibit 5: The Work Number)
9. In [REDACTED] 2022, the LLR received the following gross wages from employment at [REDACTED] [REDACTED] totaling \$4005.84: [REDACTED]/2022 \$955.68; [REDACTED]/22 \$918.00; [REDACTED]/22 \$1,218.48; [REDACTED]/22 \$913.68. (Exhibit 5: The Work Number)
10. In [REDACTED] 2022, the LLR received the following gross wages from employment at [REDACTED] [REDACTED] [REDACTED] totaling \$4786.44: [REDACTED]/2022 \$1,143.60; [REDACTED]/22 \$1,255.92; [REDACTED]/22 \$1,143.60; [REDACTED]/22 \$1,243.32. (Exhibit 5: The Work Number)
11. Sometime in [REDACTED] 2022, the Appellant started working for the [REDACTED] [REDACTED]. (Appellant's testimony)
12. Sometime in [REDACTED] 2022, the Appellant received her first paycheck from the Vernon Public Schools. (Appellant's testimony)
13. In [REDACTED] 2022, the LLR received the following gross wages from employment at [REDACTED] [REDACTED] totaling \$5,767.79: [REDACTED]22 \$1,104.00; [REDACTED]/22 \$1,236.48; [REDACTED]/22 \$1,177.02; [REDACTED]/22 \$1,233.05; [REDACTED]/23 \$1,017.12. (Exhibit 5: The Work Number)
14. In [REDACTED] 2022, the LLR received the following gross wages from employment at [REDACTED] [REDACTED] [REDACTED] totaling \$5,502.51: [REDACTED]22 \$1,404.65; [REDACTED]3/22 \$1,449.63; [REDACTED]/22 \$1,366.43; [REDACTED]/22 \$1,281.80. (Exhibit 5: The Work Number)
15. In [REDACTED] 2022, the LLR received the following gross wages from employment at [REDACTED] [REDACTED] [REDACTED] totaling \$5,926.97 [REDACTED]/22 \$1,466.27; [REDACTED]/22 \$1,607.45; [REDACTED]/22 \$1,247.48; [REDACTED]/22 \$1,605.77. (Exhibit 5: The Work Number)
16. In [REDACTED] 2022, the LLR received the following gross wages from employment at [REDACTED] [REDACTED] totaling \$6,929.20: [REDACTED]22 \$906.52; [REDACTED]22 \$1,080.17; [REDACTED]22 \$832.00; [REDACTED]22 \$1,052.95; [REDACTED]/22 \$625.00; [REDACTED]/22 \$1,434.48; [REDACTED]/22 \$998.08. (Exhibit 5: The Work Number)

17. In [REDACTED] 2023, the Appellant received the following gross wages from employment at [REDACTED] totaling \$2,002.83: [REDACTED]/22 \$1,016.64 and [REDACTED]/23 \$986.19. (Exhibit 17: Earned Income – Worksheet and Hearing Summary)
18. In [REDACTED] 2023, the LLR received the following gross wages from employment at [REDACTED] totaling \$3,776.65: [REDACTED]/23 \$862.68; [REDACTED]/23 \$851.26; [REDACTED]/23 \$1,222.71; [REDACTED] 23 \$840.00. (Exhibit 5: The Work Number)
19. In [REDACTED] 2023, the Appellant's household income was \$5779.48 (\$2002.83 Appellant income + \$3,776.65 LLR income). (Exhibit 5 and Exhibit 17)
20. In [REDACTED] 2023, the [REDACTED] received the following gross wages from employment at [REDACTED] totaling \$3835.64: 2/2/23 \$982.34; 2/9/23 \$663.00; 2/16/23 \$972.78; 2/23/23 \$1,217.52. (Exhibit 5)
21. Based on the hearing record, there is insufficient evidence to determine the Appellant's [REDACTED] 2023 wages. (Hearing Record)
22. The Appellant receives weekly child support for her eldest son, the support began sometime in 2017. (Appellant's testimony)
23. Based on the hearing record, there is insufficient evidence to determine the Appellant's monthly child support received from [REDACTED] 2022 through [REDACTED] y 2023. (Hearing Record)
24. The Appellant does not have a shelter expense. (Appellant's testimony)
25. The LLR and his brother own the home located at [REDACTED]. (Hearing Record)
26. Based on the hearing record, there is insufficient evidence to determine the LLR's shelter costs as it relates to [REDACTED]. (Hearing Record)
27. From [REDACTED] 2022, through [REDACTED] 2023, the Appellant was issued the following SNAP benefits for a household of four:

[REDACTED] 2022	\$930.00
[REDACTED] 2022	\$930.00
[REDACTED] 2022	\$930.00
[REDACTED] 2022	\$930.00
[REDACTED] 2022	\$2,147.00
[REDACTED] 2022	\$1,034.00
[REDACTED] 2022	\$1,330.00
[REDACTED] 2023	\$939.00
[REDACTED] 2023	\$939.00
Total	\$10,109.00

(Exhibit 9: Notification of Overpayment and Recoupment, ■■■/23 and Exhibit: Benefit History – Search)

28. On ■■■■■ 2023, the Department's claims unit completed a review of the Appellant's SNAP benefit. They determined that the Appellant's household's income exceeded 130% of the Federal Poverty Level ("FPL") In ■■■■■ 2022 and the Appellant failed to report the increase. (Exhibit 1: Case Notes)
29. On ■■■■■ 2023, the Department determined that the Appellant was eligible to receive the following SNAP benefits:

■■■■■ 2022	\$0.00
■■■■■ 2022	\$0.00
■■■■■ 2022	\$0.00
■■■■■ 2022	\$0.00
■■■■■ 2022	\$0.00
■■■■■ 2022	\$0.00
■■■■■ 2022	\$0.00
■■■■■ 2022	\$0.00
■■■■■ 2023	\$0.00
■■■■■ 2023	\$0.00
Total	\$0.00

30. On ■■■■■ 2023, the Department sent the Appellant a Notification of Overpayment and Recoupment. The notice stated that the Appellant received an overpayment of SNAP benefits from ■■■■■, 2022, through ■■■■■8, 2023, of \$10,109.00 due to "You or someone in your household has misrepresented expenses". (Exhibit 9: Notification of Overpayment and Recoupment, ■■■/23)
31. 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 fair hearing. The Appellant requested an administrative hearing on ■■■■■ 2023. Therefore, this decision is due not later than ■■■■■, 2023. (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 to determine whether her household meets the program's eligibility requirements.

2. Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.1(b) provides that the following individuals who live with others must be considered as customarily purchasing food and preparing meals with others, even if they do not do so, and thus must be included in the same household, unless otherwise specified.

(i) Spouses;

(ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s); and

(iii) A child (other than a foster child) under 18 years of age who lives with and is under the parental control of a household member other than his or her parent. A child must be considered to be under parental control for purposes of this provision if he or she is financially or otherwise dependent on a member of the household, unless State law defines such a person as an adult.

3. Title 7 C.F.R. § 273.1(a) provides for Household concept and provides that 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 consumption separate or 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 a household of five: The Appellant, the Appellant's three children, and the LLR. The Department correctly determined the LLR must be included in the household composition, therefore customarily purchasing food and preparing meals together.

4. Title 7 CFR § 273.10(c)(2)(i) provides that income anticipated during the certification period shall be counted as income only in the month it is expected to be received, unless the income is averaged. Whenever a full month's income is anticipated but is received on a weekly or biweekly basis, the State agency shall convert the income to a monthly amount by multiplying weekly amounts by 4.3 and biweekly amounts by 2.15, use the State Agency's PA conversion standard, or use the exact monthly figure if it can be anticipated for each month of the certification period. Nonrecurring lump-sum payments shall be counted as a resource starting in the month received and shall not be counted as income.
5. 7 C.F.R. § 273.9 (b) provides for the definition of income. (1) Earned income shall include: (i) All wages and salaries of an employee.

6. 7 C.F.R. § 273.9 (b) (2) provides that Unearned income shall include, but not be limited to: (iii) Support or alimony payments made directly to the household from nonhousehold members.
7. Title 7 CFR § 273.2 (j) (2) (E) (ii) provides the State agency, at its option, may extend categorical eligibility to the following households only if doing so will further the purposes of the Food Stamp Act of 2008: (A) Any household (except those listed in paragraph (j)(2)(vii) of this section) in which all members receive or are authorized to receive non-cash or in-kind services from a program that is less than 50 percent funded with State money counted for MOE purposes under Title IV-A or Federal money under Title IV-A and that is designed to further purposes one and two of the TANF block grant, as set forth in Section 401 of P.L. 104-193. States must inform FNS of the TANF services under this paragraph that they are determining to confer categorical eligibility.
8. Title 7 CFR § 273.9 (a) provides for income eligibility standards and states that participation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for SNAP. Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for SNAP.
9. Title 7 CFR § 273.9 (a) provides that participation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households, which contain an elderly or disabled member, shall meet the net income eligibility standards for the Food Stamp Program. Households, which do not contain an elderly or disabled member, shall meet both the net income eligibility standards and the gross income eligibility standards for the Food Stamp Program. Households which are categorically eligible as defined in §273.2 (j) (2) or 273.2 (j) (4) do not have to meet either the gross or net income eligibility standards. The net and gross income eligibility standards shall be based on the levels established in Section 673 (2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

The Department correctly determined that the Appellant's household must pass the gross income and net (applied) income tests.

10. Title 7 CFR § 273.12(a)(1) provides in part that monthly reporting households are required to report as provided in § 273.21. Quarterly reporting households are subject to the procedures as provided in paragraph (a)(4) of this section. Simplified reporting households are subject to the procedures as provided in paragraph (a)(5) of this section.

Title 7 CFR § 273.12(a)(5) provides the State agency may establish a simplified reporting system in lieu of the change reporting requirements specified under paragraph (a)(1) of this section. The following requirements are applicable to simplified reporting

systems: (i) *Included households*. The State agency may include any household certified for at least 4 months within a simplified reporting system. (ii) *Notification of simplified reporting requirement*. At the initial certification, recertification and when the State agency transfers the households to simplified reporting, the State agency shall provide the household with the following: (A) A written and oral explanation of how simplified reporting works; (B) For households required to submit a periodic report, a written and oral explanation of the reporting requirements including: (1) The additional changes that must be addressed in the periodic report and verified. (iii) Periodic report. (A) Exempt households. The State agency must not require the submission of periodic reports by households certified for 12 months or less in which all adult members are elderly or have a disability with no earned income.

The Appellant's household is subject to simplified reporting requirements.

Title 7 of the CFR § 273.12(a)(5)(v) provides for *Reporting when gross income exceeds 130 percent of poverty*. A household subject to simplified reporting in accordance with paragraph (a)(5)(i) of this section, whether or not it is required to submit a periodic report, must report when its monthly gross income exceeds the monthly gross income limit for its household size, as defined at §273.9(a)(1). The household shall use the monthly gross income limit for the household size that existed at the time of its most recent certification or recertification, regardless of any subsequent changes in its household size.

The Department correctly determined that the Appellant's household's income exceeded 130% of the FPL in █████ 2022.

11. 7 C.F.R. § 273.9 (a) (1) provides the gross income eligibility standards for SNAP shall be as follows: (i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia.

7 C.F.R. § 273.9 (a) (4) provides that the monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS website, at www.fns.usda.gov/snap.

Effective █████ 2009, the Department implemented SNAP changes referred to as Expanded Categorical Eligibility ("ECE"). Effective █████ 2009, the gross income limit for the SNAP increased to 185% of the Federal Poverty Level ("FPL") for SNAP households that do not contain an elderly or disabled household member.

Effective █████ 2022, the gross income limit for the SNAP increased to 200% of the FPL for SNAP households that do not contain an elderly or disabled member.

The Department correctly used \$4,086.00 (185% of the FPL for a household of four effective █████ 2021, through █████ 0, 2022) in its eligibility determination for █████ 2022 through █████ 2022.

The Department correctly used \$4,625.00 (200% of the FPL for a household of four effective █████ 2022, through █████, 2023) in its eligibility determination for █████ 2022 through █████ 2023)

The Department correctly determined that the Appellant's household's gross monthly income of \$5900.99 exceeded the monthly gross income limit of \$4,086.00 for ██████ 2022.

Based on the hearing record, the LLR's income is under the FPL of \$4,086.00, however, there is insufficient evidence in the record to determine the gross income received for ██████ 2022, as the Appellant testified to receiving child support.

The Department correctly determined that the Appellant's household's gross monthly income of \$4786.44 exceeded the monthly gross income limit of \$4,086.00 for ██████ t 2022.

The Department correctly determined that the Appellant's household's gross monthly income of \$5,767.79 exceeded the monthly gross income limit of \$4,086.00 for ██████ 2022.

The Department correctly determined that the Appellant's household's gross monthly income of \$5,502.51 exceeded the monthly gross income limit of \$4,625.00 for ██████ 2022.

The Department correctly determined that the Appellant's household's gross monthly income of \$5,926.97 exceeded the monthly gross income limit of \$4,625.000 for ██████ 2022.

The Department correctly determined that the Appellant's household's gross monthly income of \$6,929.20 exceeded the monthly gross income limit of \$4,625.00 for ██████ 2022.

The Department correctly determined that the Appellant's household's gross monthly income of \$5779.48 exceeded the monthly gross income limit of \$4,625.00 for ██████ 2023.

Based on the hearing record, there is insufficient evidence to determine the gross income received for ██████ 2023. The LLR's income of \$3835.64 is under the gross income limit and there is not a full month of wages reflected for the Appellant or the amount of child support received.

12. Title 7 of the CFR § 273.18(a) provides in part a recipient claim is an amount owed because of benefits that are overpaid. The State agency must establish and collect any claim by following these regulations. The State Agency must develop a plan for establishing and collecting claims.
13. Title 7 of the CFR § 273.18 (b) provides for types of claims. There are three types of claims: 1. Intentional Program violation (IPV) claim any claim for an overpayment or trafficking resulting from an individual committing an IPV. An IPV is defined in §273.16. 2. Inadvertent household error (IHE) claim any claim for an overpayment resulting from a misunderstanding or unintended error on the part of the household. 3. Agency error (AE) claim any claim for an overpayment caused by an action or failure to take action by the State agency.

14. 7 CFR § 273.18(c)(i) provides for claims not related to trafficking and states that as a state agency, you must calculate a claim back to at least twelve months prior to when you become aware of the overpayment.
15. 7 CFR § 273.18(c)(ii) provides that the actual steps for calculating a claim are you (A) determine the correct amount of benefits for each month that a household received an overpayment (B) do not apply the earned income deduction to any earned income that the household failed to report in a timely manner when this act is the basis for the claim unless the claim is an administrative error claim then apply the earned income deduction. (C) subtract the correct amount of benefits from the benefits actually received. The answer is the amount of the overpayment.
16. Title 7 of the CFR §273.18 (e)(3)(iv)(E) provides that the State Agency must include language as to how the claim was calculated.

The Department properly allowed the Appellant an opportunity to participate in the recoupment process.

The SNAP overpayments are considered a household error in nature and must be repaid.

The Department correctly determined that a SNAP overpayment occurred from [REDACTED] 2022 through [REDACTED] 2023.

Title 7 of the CFR §273.18 (e)(3)(iv)(E) provides that the State Agency must include language as to how the claim was calculated.

The Department correctly determined the Appellant was over the 185% FPL gross income limit for [REDACTED] 2022, [REDACTED] 2022, and [REDACTED] 2022. The Department correctly determined the Appellant was over the 200% FPL gross income limit for [REDACTED] 2022, [REDACTED] 2022, and [REDACTED] 2023. The Appellant should have received \$0.00 for each month because it correctly counted the Appellant's household's monthly gross earned income. The Department correctly determined the Appellant was overpaid for these months and must repay them.

For [REDACTED] 2022 and [REDACTED] 2023, there is insufficient evidence in the record to determine the amount of gross income received for those months. Therefore, an overpayment amount cannot be determined.

The Department properly informed the Appellant of the recoupment methods available to her on [REDACTED] 2023.

DISCUSSION

The evidence in the hearing record reflects the Appellant was overpaid SNAP benefits due to her failure to report household composition and the LLR's income. The Appellant exceeded 130% of the FPL in [REDACTED] 2022 and was required to report that change. The Appellant received benefits she was not entitled to and she is responsible for repayment. The hearing record reflects the LLR has been living in the Appellant's home, no evidence was provided to dispute that he lived elsewhere.

The LLR's income alone put the household over the gross income limit for a household of four (the household size the Appellant was receiving SNAP benefits) for [REDACTED] 2022, [REDACTED] 2022, [REDACTED] 2022, [REDACTED] 2022, and [REDACTED] 2023.

The LLR's income of \$4,005.84 is under the income limit in [REDACTED] 2022 for a household of four. The Appellant reported receiving child support income for her eldest son. The hearing record did not reflect this income in any of the months, so it is unclear based on the record, as to the amount of child support income received for [REDACTED] 2022. In addition, it is not clear, based on the record of the amount of the overpayment for that month as exact income figures were not provided.

The LLR's income of \$3835.64 is under the gross income limit for [REDACTED] 2023, for a household of four. Again, the amount of child support received in that month is not reflected in the hearing record. The Appellant was employed in [REDACTED] 2023 at the [REDACTED]. The amount of all her gross earnings received in February 2023 was not reflected in the record. Based on the record the amount of overpayment for [REDACTED] 2023 cannot be established without exact income figures for that month.

DECISION

The Appellant's appeal is **DENIED** regarding the issue that she was overpaid and must repay SNAP benefits she received in error.

The Appellant's appeal is **REMANDED** back to the Department to recalculate the Appellant's household's gross income received for the months of [REDACTED] 2022 and [REDACTED] 2023 to include the Appellant's wages from [REDACTED] as well as child support income. The Department will issue an updated Notice of Overpayment and Recoupment showing any corrected overpayment amounts. Compliance with this order is due by [REDACTED] [REDACTED] 2023, and will consist of providing a copy of the Notice of Overpayment and Recoupment.

Scott Zuckerman
Scott Zuckerman
Hearing Officer

Cc: Angelica Branfalt, Operations Manager, DSS, Manchester Office
Javier Rivera, Fair Hearing Liaison, DSS, 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, 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 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 under §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.