

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 # ██████████
CLIENT ID # ██████████
REQUEST# 213322

NOTICE OF DECISION

PARTY

██████████
██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”). The NOA stated the Appellant is eligible for benefits under the Supplemental Nutrition Assistance Program (“SNAP”) in the amount of \$34.00 beginning ██████████ 2023.

On ██████████ 2023, the Appellant requested an Administrative Hearing to contest the calculation of the amount of benefits under the SNAP.

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, 17-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an Administrative Hearing.

The Administrative Hearing was held via telephonic conferencing at the Appellant's request and the following individuals participated:

██████████, Appellant
Carmela Merritt, Department's Representative
Jessica Gulianello, Hearing Officer

The Appellant testified that he has a court-appointed conservator, ██████████. The Department acknowledged a record of ██████████ acting as the Appellant's Authorized Representative but asserted there was a lack of documentation to substantiate that he was appointed as the Appellant's conservator. The Appellant requested to proceed with the Administrative Hearing in the absence of his alleged conservator.

The hearing record remained open for ██████████ to allow the Department time to submit additional information. Additional documents were received and on ██████████ 2023, the hearing record closed accordingly.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's calculation of the Appellant's amount of benefits under the SNAP is correct.

FINDINGS OF FACT

1. The Appellant is ██████ (████) years old (DOB: ██████████). (*Exhibit 3: Online Renewal – ██████ 2022*)
2. The Department determined the Appellant to be eligible for benefits under the SNAP for a ██████████ certification cycle beginning ██████ 2022 through ██████ 2022. (*Department's Testimony*)
3. On ██████████ 2022, the Department received an online renewal ("ONRE") from the Appellant requesting continued benefits under the SNAP. (*Exhibit 3: ONRE – ██████ 2022, Exhibit 8: Case Notes – Details – ██████/2023, Hearing Summary, Department's Testimony*)
4. On ██████████ 2023, the Department reviewed the ONRE and processed the renewal of benefits under the SNAP. (*Exhibit 8: Case Notes Details – ██████/2023, Hearing Summary, Department's Testimony*)

5. The Appellant requested continued benefits under the SNAP for himself as a household comprised of one individual. *(Exhibit 3: ONRE – ██████/2022, Exhibit 8: Case Notes – Details – ██████/2023, Appellant’s Testimony)*

6. The Department determined the Appellant to be eligible to have the interview requirement at the time of renewal under the SNAP waived. *(Exhibit 9: Case Notes Details – ██████/2023, Hearing Summary, Department’s Testimony)*

7. The Appellant reported that he is employed with ██████ also known as ██████ ██████. *(Exhibit 3: ONRE – ██████/2022, Exhibit 8: Case Notes – Details – ██████/2023, Hearing Summary, Department’s Testimony, Appellant’s Testimony)*

8. The Department verified the Appellant’s weekly wages with ██████ as follows via the online employment verification database, (“The Work Number”):

Pay Date:	Gross Wages:
██████/2022	\$510.00
██████/2022	\$457.50
██████/2022	\$468.75
██████/2022	\$465.00
██████/2022	\$446.25

(Exhibit 8: Case Notes – Details – ██████/2023, Exhibit 9: Work Number Employment Verification Database, Exhibit 12: ImpaCT Earned Income Worksheet, Hearing Summary, Department’s Testimony)

9. The Appellant reported a ██████ obligation of \$974.51 per month plus heating and cooling expenses paid separately on the ONRE. *(Exhibit 3: ONRE – ██████/2022, Exhibit 8: Case Notes Details – ██████/2023, Hearing Summary, Department’s Testimony)*

10. On ██████, 2023, the Department updated the Appellant’s case details in the online eligibility management system, (“ImpaCT”). The Department issued the Appellant a NOA advising that he was determined to be eligible for continued benefits under the SNAP in the amount of \$23.00 for ██████ 2023 and \$41.00 beginning ██████ 2023, through ██████ 2023. *(Exhibit 6A: NOA – ██████/2023, Exhibit 8: Case Notes – Details – ██████/2023, Hearing Summary, Department’s Testimony)*

11. On [REDACTED] 2023, the Appellant was evicted from his residence. (*Appellant's Testimony*)
12. On [REDACTED] 2023, at [REDACTED] the Appellant submitted an online change. The Appellant reported he earns \$250.00 weekly from his employment with [REDACTED] he was evicted and no longer pays shelter expenses. The online change was marked as received the following business day, [REDACTED] 2023. (*Exhibit 3: Online Change – submission: [REDACTED] 2023 – received: [REDACTED] 2023, Exhibit 8: Case Notes – Details – [REDACTED] 2023, Hearing Summary, Department's Testimony*)
13. On [REDACTED] 2023, at [REDACTED] the Appellant submitted a second online change. The Appellant again reported that he was evicted and has no shelter expenses. The online change was marked as received the following business day, [REDACTED] 2023. (*Exhibit 5: Online Change – submission: [REDACTED] 2023 – received: [REDACTED] 2023, Exhibit 8: Case Notes – Details – [REDACTED] 2022, Hearing Summary, Department's Testimony*)
14. On [REDACTED] 2023, the Department reviewed the online changes as reported by the Appellant. The Department updated the Appellant's living arrangement to reflect that he is [REDACTED] and entered end dates for his previously reported shelter expenses (rent and utilities) in the electronic case management system, ImpaCT. (*Exhibit 8: Case Notes – Details – [REDACTED] 2023, Hearing Summary, Department's Testimony*)
15. On [REDACTED] 2023, the Department issued the Appellant an NOA. The NOA stated that he was determined to be eligible for benefits under the SNAP in the amount of \$23.00 beginning [REDACTED] 2023, through [REDACTED] 2023. (*Exhibit 6B: NOA – [REDACTED] 2023, Exhibit 8: Case Notes – Details – [REDACTED] 2023, Hearing Summary, Department's Testimony*)
16. The Appellant was admitted to the hospital on [REDACTED] 2023, and he was discharged on [REDACTED] 2023. (*Appellant's Testimony*)
17. On [REDACTED] 2023, the Appellant contacted the Department's Benefit Center by telephone regarding his income from his employment with [REDACTED]. The Department verified the Appellant's updated weekly wages with [REDACTED] as follows via the Work Number:

Pay Date:	Gross Wages:
██████/2023	\$371.25
██████/2023	\$333.75
██████/2023	\$300.00
██████2023	\$172.50

(Exhibit 8: Case Notes – Details – ██████2023, Exhibit 9: *Work Number Employment Verification Database*, Exhibit 12: *ImpaCT Earned Income Worksheet, Hearing Summary, Department’s Testimony*)

18. On ██████ 2023, the Department issued the Appellant an updated NOA. The NOA stated he was determined to be eligible for benefits under the SNAP in the amount of \$34.00 beginning ██████ 2023, through ██████ 2023. (*Exhibit 6C: NOA – 03/17/2023, Hearing Summary, Department’s Testimony*)
19. On ██████ 2023, the Appellant contacted the Department’s Benefits Center to report that his income decreased, he moved, and anticipated having a new mailing address in about a week. The Department informed the Appellant of the documentation required and did not make any changes to his case. (*Exhibit 8: Case Notes – Details – ██████2023, Hearing Summary, Department’s Testimony*)
20. On ██████ 2023, the Department received the Appellant’s request for an Administrative Hearing. (*Exhibit A: Online Hearing Request – ██████2023, Exhibit 7: Online Hearing Request – ██████2023, Hearing Record*)
21. On ██████ 2023, the Department re-reviewed the Appellant’s case in response to his request for an Administrative Hearing. The Department verified the Appellant’s most recent weekly wages with ██████ as follows via the Work Number:

Pay Date:	Gross Wages:
██████/2023	\$0.00
██████/2023	\$0.00
██████/2023	\$297.37

The Department updated the Appellant’s earned income in ImpaCT and marked the pay dates of ██████ 2023, and ██████ 2023, as unusually low. (*Exhibit*

9: Work Number Employment Verification Database, Exhibit 12: ImpaCT Earned Income Worksheet, Hearing Summary, Department's Testimony)

22. On [REDACTED] 2023, the Department issued the Appellant an updated NOA. The NOA advised that he remained eligible for benefits under the SNAP in the amount of \$34.00 per month beginning [REDACTED] 2023, through [REDACTED] 2023. (Exhibit 6D: NOA – [REDACTED] 2023, Hearing Summary, Department's Testimony)
23. On [REDACTED] 2023, the Department contacted the Appellant by telephone to review his case. The Appellant reported he has no shelter expense; however, he is responsible for a telephone expense. The Appellant reported he remains employed with [REDACTED] however, he was out of work [REDACTED] due to hospitalization and he received paid time off ("PTO"). (Exhibit 8: Case Notes – Details – [REDACTED]/2023, Hearing Summary, Department's Testimony)
24. On [REDACTED] 2023, the Department recorded the Appellant's telephone expense in ImpaCT. The Department issued the Appellant an updated NOA. The NOA stated that he remained eligible for benefits under the SNAP in the amount of \$34.00 per month beginning [REDACTED] 2023, through [REDACTED] 2023. (Exhibit 6E: NOA – [REDACTED] 2023, Hearing Summary, Department's Testimony)
25. The issuance of this decision is timely under section 17b-61(a) of Connecticut General Statutes, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an Administrative Hearing on [REDACTED] 2023. This decision, therefore, was due no later than [REDACTED] 2023, and is timely. (Hearing Record)

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statute 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.

2. 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 complied with the Federal Regulation and correctly determined the household is composed of one (1) individual, the Appellant.

3. Title 7 of the Code of Federal Regulations (“C.F.R”) § Section 271.2 provides the following: “Homeless individual” means an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is: (1) A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter); (2) A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized; (3) A temporary accommodation for not more than 90 days in the residence of another individual; or (4) A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby or similar places).

The Department complied with the Federal Regulation and correctly determined the Appellant [REDACTED].

4. 7 C.F.R § 7 CFR 273.9(d)(6)(iii)(A) provides the following: *Standard utility allowances*. With FNS approval, a State agency may develop the following standard utility allowances (standards) to be used in place of actual costs in determining a household's excess shelter deduction: an individual standard for each type of utility expense; a standard utility allowance for all utilities that includes heating or cooling costs (HCSUA); and, a limited utility allowance (LUA) that includes electricity and fuel for purposes other than heating or cooling, water, sewerage, well and septic tank installation and maintenance, telephone, and garbage or trash collection. The LUA must include expenses for at least two utilities. However, at its option, the State agency may include the excess heating and cooling costs of public housing residents in the LUA if it wishes to offer the lower standard to such households. The State agency may use different types of standards but cannot allow households the use of two standards that include the same expense. In States in which the cooling expense is minimal, the State agency may include the cooling expense in the electricity component. The State agency may vary the allowance by factors such as household size, geographical area, or season. Only utility costs identified in paragraph (d)(6)(ii)(C) of this section must be used in developing standards.

7 C.F.R § 273.9(d)(6)(iii)(D) provides the following: At initial certification, recertification, and when a household moves, the household may choose between a standard or verified actual utility costs for any allowable expense identified in paragraph (d)(6)(ii)(C) of this section (except the telephone standard), unless the State agency has opted, with FNS approval, to mandate use of a standard. The State agency may require use of the telephone standard for the cost of basic telephone service even if actual costs are higher. Households certified for 24 months may also choose to switch between a standard and actual costs at the time of the mandatory interim contact required by § 273.10(f)(1)(i), if the State agency has not mandated use of the standard.

The Department complied with the Federal Regulations and correctly determined the Appellant to be eligible for the Telephone Utility Allowance.

5. 7 C.F.R § 273.9(b) provides the following: *Definition of income*. Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section.

7 C.F.R § 273.9(b)(1)(i) provides the following: Earned income shall include: All wages and salaries of an employee.

The Department complied with the Federal Regulations and correctly determined the Appellant's earned income from his employment with [REDACTED] to be countable income under the SNAP.

6. 7 C.F.R § 273.10(c)(1)(i) provides the following: *Determining income - Anticipating income*. (i) For the purpose of determining the household's eligibility and level of benefits, the State agency shall take into account the income already received by the household during the certification period and any anticipated income the household and the State agency are reasonably certain will be received during the remainder of the certification period. If the amount of income that will be received, or when it will be received, is uncertain, that portion of the household's income that is uncertain shall not be counted by the State agency. For example, a household anticipating income from a new source, such as a new job or recently applied for public assistance benefits, may be uncertain as to the timing and amount of the initial payment. These moneys shall not be anticipated by the State agency unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. If the exact amount of the income is not known, that portion of it which can be anticipated with reasonable certainty shall be considered as income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average. Households shall be advised to report all changes in gross monthly income as required by § 273.12.

7 C.F.R § 273.10(c)(1) (ii) provides the following: Income received during the past 30 days shall be used as an indicator of the income that is and will be available to the household during the certification period. However, the State agency shall not use past income as an indicator of income anticipated for the certification period if changes in income have occurred or can be anticipated. If income fluctuates to the extent that a 30-day period alone cannot provide an accurate indication of anticipated income, the State agency and the household may use a longer period of past time if it will provide a more accurate indication of anticipated fluctuations in future income. Similarly, if the household's income fluctuates seasonally, it may be appropriate to use the most recent season comparable to the certification period, rather than the last 30 days, as one indicator of anticipated income. The State agency shall exercise particular caution in using income from a past season as an indicator of income for the

certification period. In many cases of seasonally fluctuating income, the income also fluctuates from one season in one year to the same season in the next year. However, in no event shall the State agency automatically attribute to the household the amounts of any past income. The State agency shall not use past income as an indicator of anticipated income when changes in income have occurred or can be anticipated during the certification period.

7 C.F.R § 273.10(c)(2)(i) provides the following: *Income only in month received.* 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.

7 C.F.R § 273.10(c)(3)(i) provides the following: *Income averaging.* Income may be averaged in accordance with methods established by the State agency to be applied Statewide for categories of households. When averaging income, the State agency shall use the household's anticipation of monthly income fluctuations over the certification period. An average must be recalculated at recertification and in response to changes in income, in accordance with § 273.12(c), and the State agency shall inform the household of the amount of income used to calculate the allotment. Conversion of income received weekly or biweekly in accordance with paragraph (c)(2) of this section does not constitute averaging.

The Department complied with the Federal Regulations and correctly used the Appellant's past wages to anticipate his future available income.

As the Appellant reported several income changes and to account for the income fluctuation, the Department used a period longer than [REDACTED] as an indicator of his future income.

Furthermore, the Department correctly excluded the unusually low pay dates of [REDACTED] 2023 and [REDACTED] 2023 reflected as \$0.00 as the Appellant was hospitalized during these pay periods and he was later issued PTO for these dates as confirmed via the Work Number.

The Department correctly used the income averaging methodology to convert the Appellant's weekly wages to a monthly amount by multiplying his average gross weekly wages by 4.3 to obtain a monthly average of \$1,268.39 calculated as follows:

Pay Date:	Gross Wages:
██████/2023	\$371.25
██████/2023	\$333.75
██████/2023	\$300.00
██████/2023	\$172.50
██████/2023	\$0.00 *Excluded – Unusually Low
██████/2023	\$0.00 *Excluded – Unusually Low
██████/2023	\$297.37

\$371.25 + \$333.75 + \$300.00 + \$172.50 + \$297.37 = \$1,474.87 / 5 checks = \$294.97 weekly x 4.3 weeks = \$1,268.39 per month

7. 7 C.F.R § 273.9(d)(2) provides the following: *Earned income deduction*. Twenty percent of gross earned income as defined in paragraph (b)(1) of this section. Earnings excluded in paragraph (c) of this section shall not be included in gross earned income for purposes of computing the earned income deduction, except that the State agency must count any earnings used to pay child support that were excluded from the household's income in accordance with the child support exclusion in paragraph (c)(17) of this section.

The Department complied with the Federal Regulation and correctly applied the 20% Earned Income Deduction in the calculation of the SNAP.

8. 7 C.F.R § 273.10(e) provides the following: *Calculating net income and benefit levels* - (1) *Net monthly income*. (i) To determine a household's net monthly income, the State agency shall: (A) Add the gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income. Net losses from the self-employment income of a farmer shall be offset in accordance with § 273.11(a)(2)(iii). (B) Multiply the total gross monthly earned

income by 20 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 80 percent and add that to the total monthly unearned income, minus income exclusions. If the State agency has chosen to treat legally obligated child support payments as an income exclusion in accordance with § 273.9(c)(17), multiply the excluded earnings used to pay child support by 20 percent and subtract that amount from the total gross monthly income. (C) Subtract the standard deduction. (D) If the household is entitled to an excess medical deduction as provided in § 273.9(d)(3), determine if total medical expenses exceed \$35. If so, subtract that portion which exceeds \$35. (E) Subtract allowable monthly dependent care expenses, if any, as specified under § 273.9(d)(4) for each dependent. (F) If the State agency has chosen to treat legally obligated child support payments as a deduction rather than an exclusion in accordance with § 273.9(d)(5), subtract allowable monthly child support payments in accordance with § 273.9(d)(5). (G) Subtract the homeless shelter deduction, if any, up to the maximum of \$143. (H) Total the allowable shelter expenses to determine shelter costs, unless a deduction has been subtracted in accordance with paragraph (e)(1)(i)(G) of this section. Subtract from total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction according to paragraph (e)(1)(i)(I) of this section. (I) Subtract the excess shelter cost up to the maximum amount allowed for the area (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other applicable deductions. Households not subject to a capped shelter expense shall have the full amount exceeding 50 percent of their net income subtracted. The household's net monthly income has been determined. (ii) In calculating net monthly income, the State agency shall use one of the following two procedures: (A) Round down each income and allotment calculation that ends in 1 through 49 cents and round up each calculation that ends in 50 through 99 cents; or (B) Apply the rounding procedure that is currently in effect for the State's Temporary Assistance for Needy Families (TANF) program. If the State TANF program includes the cents in income calculations, the State agency may use the same procedures for SNAP income calculations. Whichever procedure is used, the State agency may elect to include the cents associated with each individual shelter cost in the computation of the shelter deduction and round the final shelter deduction amount. Likewise, the State agency may elect to include the cents associated with each individual medical cost in the computation of the medical deduction and round the final medical deduction amount.

7 C.F.R § 273.10(e)(2)(ii) provides the following: (A) Except as provided in paragraphs (a)(1), (e)(2)(iii) and (e)(2)(vi) of this section, the household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30 percent of the household's net monthly income as calculated in paragraph (e)(1) of this section. If 30 percent of the household's net income ends in cents, the State agency shall round in one of the following ways: (1) The State

agency shall round the 30 percent of net income up to the nearest higher dollar; or (2) The State agency shall not round the 30 percent of net income at all. Instead, after subtracting the 30 percent of net income from the appropriate Thrifty Food Plan, the State agency shall round the allotment down to the nearest lower dollar. (B) If the calculation of benefits in accordance with paragraph (e)(2)(ii)(A) of this section for an initial month would yield an allotment of less than \$10 for the household, no benefits shall be issued to the household for the initial month. (C) Except during an initial month, all eligible one-person and two-person households shall receive minimum monthly allotments equal to the minimum benefit. The minimum benefit is 8 percent of the maximum allotment for a household of one, rounded to the nearest whole dollar.

The Department complied with the Federal Regulations and correctly determined the Appellant was subject to the gross income test followed by the net income test.

SNAP BENEFIT CALCULATION:

<u>COUNTABLE GROSS UNEARNED INCOME</u>	
Gross Earned Income	\$1,268.39
Total Income	\$1,268.39
Minus 20% earned Income Deduction	-\$253.67
Minus standard deduction (For a household of 1)	-\$193.00
Adjusted Gross Income	= \$821.72
<u>SHELTER COSTS</u>	
Rent	\$0
SUA	\$0
TUA	\$34.00
Total shelter costs	\$34.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$34.00

Minus 50% of adjusted gross income	\$410.86
Total shelter hardship	\$0 (-\$376.86) (Cannot exceed \$569 unless elderly or disabled)
<u>NET ADJUSTED INCOME</u>	
Adjusted gross income	\$821.72
Minus shelter hardship	\$0
Net Adjusted Income ("NAI")	\$821.72
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan Amount for 1 SNAP Member	\$281.00
Less 30% of NAI (rounded up)	(\$821.72 x .3)= \$246.516 Rounded up to \$247.00
SNAP award Calculation: Thrifty Food Plan: - 30% NAI= SNAP Amount	\$281.00 - \$247.00 = \$34.00 SNAP Award effective April 2023

The Department complied with the Federal Regulations and correctly determined the Appellant to be eligible for benefits under the SNAP in the amount of \$34.00 effective [REDACTED] 2023.

DISCUSSION:

The issue of this hearing is the Department's calculation of the Appellant's eligibility for benefits under the SNAP effective [REDACTED] 2023.

During the hearing proceedings the Appellant reported that he occasionally pays for hotels. This information was not previously disclosed to the Department. The Appellant is encouraged to follow up with the Department and clarify all his expenses related to shelter costs as he *may* be eligible for a homeless shelter deduction.

Furthermore, the Appellant and/or his authorized representative are encouraged to follow up with the Department and provide documentation to substantiate the alleged conservatorship.

DECISION:

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

Jessica Gulianello

**Jessica Gulianello
Administrative Hearing Officer**

CC: Carmela Merritt – ESW
Tim Latifi, Ralph Filek, and Sarah Chmielecki – SSMO's, DSS # 20

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 §4-1181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, 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 with 45 days of the mailing of this decision, or 45 days after the agency denies 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 06105-3725. 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 her 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.