

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

██████████ 2024  
Signature Confirmation

████████████████████  
████████████████████  
Request #: 237118

**NOTICE OF DECISION**

**PARTY**

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

**PROCEDURAL BACKGROUND**

On ██████████ 2024, the Department of Social Services (the “Department”) sent ██████████ ██████████ (the “Appellant”) a Notice of Action (“NOA”) closing her Supplemental Nutritional Assistance Program (“SNAP”) benefits effective ██████████ 2024.

On ██████████ 2024, the Appellant requested an administrative hearing to contest the Department’s decision to close her SNAP benefits.

On ██████████ 2024, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2024.

On ██████████ 2024, in accordance with sections 17b-60, 17-61 and 4-176e to 4-184 inclusive, of the Connecticut General Statutes, OLCRAH held a telephonic administrative hearing.

The following individuals participated in the hearing:

████████████████████ Appellant  
Glenn Guerrero, Department’s Representative  
Amy MacDonough, Hearing Officer

## **STATEMENT OF THE ISSUE**

The issue is whether the Department correctly closed the Appellant's SNAP benefits effective [REDACTED] 2024, for failure to provide her Periodic Report Form ("PRF").

## **FINDINGS OF FACT**

1. The Appellant [Date of Birth: [REDACTED]] was a recipient of SNAP benefits for a household of one, herself, through [REDACTED] 2024. The Appellant is homeless and receives her mail at her mother's address in [REDACTED]. (*Appellant's Testimony; Exhibit 1: Periodic Report Form*)
2. On [REDACTED] 2024, the Department issued the Appellant a Periodic Report Form ("W-1054") halfway through her SNAP benefit period, with a due date of [REDACTED] 2024. (*Exhibit 1*)
3. On [REDACTED] 2024, the Department issued the Appellant a Warning Notice ("W-0006N") informing her that if she doesn't return the form and proofs, her benefits will be discontinued effective [REDACTED], 2024. (*Exhibit 2: Warning Notice*)
4. On [REDACTED] 2024, the Department issued the Appellant a NOA closing her SNAP benefits effective [REDACTED] 2024, for the following reasons: Periodic Report Form process not complete, no household members are eligible for this program, does not meet program requirements. (*Exhibit 3: Notice of Action*)
5. The Department did not receive any return mail for the Appellant. (*Department's Testimony*)
6. The Appellant does all her paperwork for the Department online, but indicated she was locked out of her account for an unknown period. (*Appellant's Testimony*)
7. As of [REDACTED], 2024, the Appellant had not submitted the Periodic Report Form, nor has she reapplied for the SNAP. (*Appellant's Testimony; Department's Testimony*)
8. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.15, which provides that within 60 days of the receipt of a request for a fair hearing, the State agency shall issue a decision. The Appellant requested an administrative hearing on [REDACTED] 2024; therefore, this decision is due no later than [REDACTED] 2024.

## **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 and determine eligibility for the SNAP program.**

2. 7 C.F.R. § 271.2 defines adequate notice and states in a periodic reporting system such as monthly reporting or quarterly reporting means a written notice that includes a statement of the action the agency has taken or intends to take; the reason for the intended action; the household's right to request a fair hearing; the name of the person to contact for additional information; the availability of continued benefits; and the liability of the household for any over issuances received while awaiting a fair hearing if the hearing official's decision is adverse to the household. Depending on the timing of a State's system and the timeliness of report submission by participating households, such notice may be received prior to agency action, at the time reduced benefits are received, or, if benefits are terminated, at the time benefits would have been received if they had not been terminated. In all cases, however, participants will be allowed ten days from the mailing date of the notice to contest the agency action and to have benefits restored to their previous level. If the 10-day period ends on a weekend or a holiday and a request is received the day after the weekend or holiday, the State agency shall consider the request to be timely.
3. 7 C.F.R. § 273.12(a)(5) provides for continuing participation and reporting requirements and states 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: (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.

7 C.F.R. § 273.12(a)(5)(iii)(B) provides submission of periodic reports by non-exempt households. Households that are certified for longer than 6 months, except those households described in § 273.12(a)(5)(iii)(A), must file a periodic report between 4 months and 6 months, as required by the State agency. Households in which all adult members are elderly or have a disability with no earned income and are certified for periods lasting between 13 months and 24 months must file a periodic report once a year. In selecting a due date for the periodic report, the State agency must provide itself sufficient time to process reports so that households that have reported changes that will reduce or terminate benefits will receive adequate notice of action on the report in the first month of the new reporting period.

7 C.F.R. § 273.12(a)(5)(iii)(C) provides the periodic report form must request from the household information on any changes in circumstances in accordance with paragraphs (a)(1)(i) through (a)(1)(vii) of this section and conform to the requirements of paragraph (b)(2) of this section.

**The Department correctly issued the Appellant a Periodic Report Form on [REDACTED], 2024, with a due date of [REDACTED] 2024.**

4. 7 C.F.R. § 273.12(a)(5)(iv) provides for processing periodic reports and states in selecting a due date for the periodic report, the State agency must provide itself sufficient time to process reports so that households will receive adequate notice of action on the report in the first month of the new reporting period. The State agency shall provide the household a reasonable period after the end of the last month covered by the report in which to return the report. The State agency shall provide the household a reasonable period after the end of the last month covered by the report in which to return the report. Benefits should be issued in accordance with the normal issuance cycle if a complete report was filed timely.

7 C.F.R. § 273.12(a)(5)(iii)(E) provides that if a household fails to file a complete report by the specified filing date, the State agency shall provide the household with a reminder notice advising the household that it has 10 days from the date the State agency mails the notice to file a complete report. If an eligible household files a complete periodic report during this 10 day period, the State agency shall provide it with an opportunity to participate no later than ten days after its normal issuance date. If the household does not respond to the reminder notice, the household's participation shall be terminated and the State agency must send an adequate notice of termination described in paragraph (a)(5)(iii)(C) of this section.

**The Department correctly issued the Appellant a Warning Notice on [REDACTED] 2024, allowing the Appellant an additional 10 days to provide the PRF. The notice listed a due date of [REDACTED] 2024.**

5. 7 C.F.R. § 273.13(a)(1) provides for Notice of adverse action and states use of notice. Prior 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. (1) The notice of adverse action shall be considered timely if the advance notice period conforms to that period of time 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.

**The Department correctly discontinued the Appellant's SNAP benefits effective [REDACTED] 2024, for not completing the Periodic Review process.**

**The Department correctly issued the Appellant a notice advising her that she has 10 days from the date the Department issues the reminder notice to file a completed Periodic Report Form or benefits will be terminated.**

**DECISION**

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

  
Amy MacDonough  
Fair Hearing Officer

CC: Jill Sweeney, Operations Manager, DSS, Torrington Regional Office  
Glen Guerrero, Fair Hearing Liaison, DSS, Torrington 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 or law, new evidence has been discovered or other good cause exists. If the request for reconsideration is granted, the appellant will be notified within **25** days of the request date. No response within 25 days means that the request for reconsideration has been denied. The right to request a reconsideration is based on § 4-181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, what new evidence, or what other good cause exists.

Reconsideration requests should be sent to: Department of Social Services, Director, Office of Administrative Hearings and Appeals, 55 Farmington Avenue Hartford, CT 06105.

### **RIGHT TO APPEAL**

The appellant has the right to appeal this decision to Superior Court within **45** days of the mailing of this decision, or **45** days after the agency denies a petition for reconsideration of this decision, provided that the petition for reconsideration was filed timely with the Department. The right to appeal is based on § 4-183 of the Connecticut General Statutes. To appeal, a petition must be filed at Superior Court. A copy of the petition must be served upon the Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106 or the Commissioner of the Department of Social Services, 55 Farmington Avenue Hartford, CT 06105. A copy of the petition must also be served on all parties to the hearing.

The 45 day appeal period may be extended in certain instances if there is good cause. The extension request must be filed with the Commissioner of the Department of Social Services in writing no later than 90 days from the mailing of the decision. Good cause circumstances are evaluated by the Commissioner or the Commissioner's designee in accordance with § 17b-61 of the Connecticut General Statutes. The Agency's decision to grant an extension is final and is not subject to review or appeal.

The appeal should be filed with the clerk of the Superior Court in the Judicial District of New Britain or the Judicial District in which the appellant resides.