



The Delaware Code (31 Del. C. §520) provides for judicial review of hearing decisions. In order to have a review of this decision in Court, a notice of appeal must be filed with the clerk (Prothonotary) of the Superior Court within 30 days of the date of the decision. An appeal may result in a reversal of the decision. Readers are directed to notify the DSS Hearing Office, P.O. Box 906, New Castle, DE 19720 of any formal errors in the text so that corrections can be made.

**DELAWARE DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SOCIAL SERVICES
ADMINISTRATIVE FAIR HEARING**

LOG NUMBER :5-24-2021-001

DECISION DATE: May 24, 2021

State Agency Appearances:

Lynn Carter, Sr. Social Worker/Case Manager
Evelyn Capers-Brown, Supervisor

I-Statement of the Issues

The Appellant opposes a decision by the Division of Social Services ("DSS") to close his food benefits effective February 28, 2021.

The Division of Social Services ("DSS") contends that it properly closed the food benefits based upon the Appellant's failure to submit his completed Renewal Form. The Appellant disagrees with the decision to close his food benefits.

II- Procedural History

On February 17, 2021, DSS issued to the Appellant a Notice to Close Your Food Benefits, informing him that his food benefits would close effective February 28, 2021. (Exhibit 2). On March 31, 2021, DSS received the Appellant's timely appeal of the action. (Exhibit 3).

On April 7, 2021, the Appellant was sent a Notice of Hearing Date and Time, informing him that a Fair Hearing would be held on April 22, 2021. The hearing was conducted on that date remotely via telephone. This is the decision resulting from the hearing.

III- Statement of Facts

On January 13, 2021, DSS issued to the Appellant a Food Benefit Renewal Letter. (Exhibit 1). The Renewal Form needed to be returned by February 1, 2021 in order for the Appellant's food benefits to renew. (Exhibit 1). According to Ms. Capers-Brown, DSS did not receive the Appellant's completed Renewal Form. Therefore, on February 17, 2021, DSS issued to the Appellant a Notice to Close Your Food Benefits, informing him that his food benefits would close effective February 28, 2021. (Exhibit 2).

At the Fair Hearing, the Appellant and his grandfather testified that they faxed the Renewal Form to Ms. April Fennell on January 26, 2021 at 7:35 a.m. However, they were unable to locate the actual Renewal Form or fax transmittal history during the hearing.

IV – Discussion and Analysis of Law

DSSM §9091 states the following regarding recertification:

No household may participate beyond the expiration of the assigned certification period without a determination of eligibility for a new period. Households must apply for recertification and comply with the interview and verification requirements per DSSM 9030 and DSSM 9038.

In reviewing the facts of this case, DSS correctly closed the Appellant’s food benefits in accordance with DSSM §9091. DSSM §9091 states, in relevant part:

No household may participate beyond the expiration of the assigned certification period without a determination of eligibility for a new period. Households must apply for recertification and comply with the interview and verification requirements per DSSM 9030 and DSSM 9038.

At the hearing, the Appellant and his grandfather testified that they faxed the Renewal Form to Ms. April Fennell on January 26, 2021 at 7:35 a.m. However, they were unable to locate the actual Renewal Form or fax transmittal history during the hearing. Pursuant to DSSM §9091, the Appellant is required to comply with the recertification requirements in order for DSS to determine his continuing eligibility for food benefits. Since the Appellant did not submit his completed Renewal Form, DSS could not make a determination of eligibility for a new period. Thus, DSS correctly closed the food benefits effective February 28, 2021. The evidence supports this conclusion.

V- Decision

For these reasons, the Notice to Close Your Food Benefits dated February 17, 2021, which closed the Appellant’s food benefits effective February 28, 2021, is AFFIRMED.

Decision Date: **May 24, 2021**



Christopher Sheldon, Esq.
HEARING OFFICER

THE FOREGOING IS THE FINAL DECISION OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES

May 24, 2021
POSTED

SUMMARY OF DOCUMENTARY EVIDENCE

STATE'S EXHIBITS

EXHIBIT #1 – Food Benefit Renewal Letter dated January 13, 2021 (5 pages)

EXHIBIT #2 – Notice to Close Your Food Benefits dated February 17, 2021 (2 pages)

EXHIBIT #3 – Appellant's Appeal date stamped March 31, 2021 (3 pages)

APPELLANT'S EXHIBITS

None