



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 :5-25-2021-002

DECISION DATE: May 25, 2021

State Agency Appearances:

Monique Townsend, Sr. Social Worker/Case Manager
Bobbi Stone, Social Worker/Case Manager

I-Statement of the Issues

The Appellant opposes a decision by the Division of Social Services ("DSS") to close her food benefits effective January 31, 2021.

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

II- Procedural History

On January 20, 2021, DSS issued to the Appellant a Notice to Close Your Food Benefits, informing her that her food benefits would close effective January 31, 2021. (Exhibit 2). On April 6, 2021, DSS received the Appellant's timely appeal of the action. (Exhibit 1).

On April 14, 2021, the Appellant was sent a Notice of Hearing Date and Time, informing her that a Fair Hearing would be held on April 29, 2021. The hearing was conducted on that date remotely via telephone. This is the decision resulting from that hearing.

III- Statement of Facts

On December 11, 2020, DSS issued to the Appellant a Food Benefit Renewal Letter. The Renewal Form needed to be returned by January 1, 2021 in order for the Appellant's food benefits to renew. DSS did not receive the Appellant's completed Renewal Form, and, on January 20, 2021, DSS issued to the Appellant a Notice to Close Your Food Benefits, informing her that her food benefits would close effective January 31, 2021. (Exhibit 2).

At the Fair Hearing, the Appellant acknowledged that she did not complete her Renewal Form.

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 Fair Hearing, the Appellant acknowledged that she did not complete her Renewal Form. Without the completed Renewal Form, DSS could not make a new determination of eligibility on the Appellant's case. Therefore, DSS correctly closed the Appellant's food benefit case in accordance with DSSM §9091. The evidence supports this conclusion.

V- Decision

For these reasons, the Notice to Close Your Food Benefits dated January 20, 2021, which closed the Appellant's food benefits effective January 31, 2021, is AFFIRMED.

Decision Date: **May 25, 2021**



James L. Bobeck, Esq.
HEARING OFFICER

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

May 25, 2021
POSTED

SUMMARY OF DOCUMENTARY EVIDENCE

STATE'S EXHIBITS

EXHIBIT #1 – Appellant's Appeal date stamped April 6, 2021 (1 page)

EXHIBIT #2 – Notice to Close Your Food Benefits dated January 20, 2021 (2 pages)

APPELLANT'S EXHIBITS

None