



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: 6-1-2021-001**

**DECISION DATE: May 31, 2021**

State Agency Appearances: Carlene Radhouani, DSS Witness  
Rotante Tunstall, Fair Hearing Team

**I – Statement of the Issues**

The Appellant requested a Fair Hearing regarding the decision made by DSS to close his Food Benefits because he was hospitalized.

DSS advised at the outset of the hearing that they would concede to the Appellant's appeal because he contacted DSS and completed his renewal and his case has been reopened.

**II – Procedural History**

A Food Benefit Renewal Letter was issued to the Appellant on January 13, 2021.

A Notice to Close Your Food Benefits was issued to the Appellant on February 17, 2021.

A request for a Fair Hearing was submitted by the Appellant on April 15, 2021.

A Fair Hearing Summary was prepared and submitted to the Fair Hearing Team on April 15, 2021.

A Fair Hearing was scheduled for April 30, 2021, with notice issued to the Appellant on April 16, 2021.

A Fair Hearing was conducted on April 30, 2021, with the Appellant, and the representatives from DSS appearing by teleconference.

**III – Statement of Facts**

At the outset of the hearing, the Appellant was asked to confirm the reason for submitting his request for a Fair Hearing. The Appellant confirmed that he requested a Fair Hearing because he had been hospitalized at

the time of the renewal.

The Fair Hearing Team representative advised in her opening statement that the State wished to concede to the Appellant's appeal of the closure of his food benefits case. She stated that the Appellant contacted DSS on April 19, 2021 and completed his renewal application. The DSS witness testified that she assisted the Appellant in completing his renewal application and reopened his food benefits case.

The concession by the State was accepted by the Fair Hearing Officer who advised that the decision will be rescinded as a result.

#### **IV – Discussion and Analysis of Law**

The State is conceding this case therefore the decision to close the Appellant's food benefits is rescinded.

#### **V – Decision**

Based on the review and assessment of the testimony provided by the State to concede this case during the hearing conducted on April 30, 2021, the decision by DSS to close the Appellant's Food Benefits is **Rescinded**.

Decision Date: **May 31, 2021**



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Joseph A. Hughes  
HEARING OFFICER

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

**June 1, 2021**  
**POSTED**

#### **SUMMARY OF DOCUMENTARY EVIDENCE**

**STATE'S EXHIBITS**  
NONE SUBMITTED

**APPELLANT'S EXHIBITS**  
NONE SUBMITTED