

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3730

██████████, 2019
Signature Confirmation

Client ID # ██████████
Request # 149227

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2019, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") advising that her application for Supplemental Nutrition Assistance Program ("SNAP") benefits was denied because she did not fully cooperate with the eligibility process.

On ██████████ 2019, the Appellant requested an administrative hearing because she disagrees with the Department's decision.

On ██████████ ██████████ 2019, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling an administrative hearing on for ██████████ 2019.

On ██████████ 2019, 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 regarding the issue of the discontinuance of the SNAP benefits. The following individuals were present at the hearing:

██████████, the Appellant
██████████, the Appellant's husband
Lindsay Vallee, Hearing Liaison, DSS, New Haven
Maureen Foley-Roy, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to deny the Appellant's application for SNAP benefits was correct.

FINDINGS OF FACT

1. On [REDACTED] 2019, the Department appeared in person at the Department's regional office to apply for SNAP benefits for her family. (Exhibit 2: Case Notes)
2. On [REDACTED] 2019, the Department conducted an interview with the Applicant and an interface with the State's Department of Labor. The Department found wages for the Appellant and her husband at [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. (Exhibit 2 and Department representative's testimony)
3. On [REDACTED] 2019, the Department gave the Appellant a Proofs We Need form stating that she must send proof of her husband's gross income by submitting his four most recent pay stubs and termination letters from jobs that he was no longer working by [REDACTED] 2019. (Exhibit 4: Proofs We Need form)
4. On [REDACTED] 2019, the Appellant returned to the Department with proof of her husband's wages from [REDACTED] and [REDACTED]. (Exhibit 2)
5. On [REDACTED], 2019, the Department reviewed the material that the Appellant had provided and determined that proof of last day of work from [REDACTED] and wages from [REDACTED] were still outstanding. (Exhibit 2)
6. The Department took no further action upon receiving some of the requested information. (Department representative's testimony)
7. On [REDACTED] 2019, the Department denied the Appellant's application for SNAP benefits because she did not fully cooperate with the application process and no household members were eligible for the program. (Exhibit 3: Notice of Action dated [REDACTED] 2019)
8. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which states that a decision must be reached and the household notified within 60 days of receipt of a request for a fair hearing. The Appellant requested an administrative hearing on [REDACTED] [REDACTED] 2019. This decision is due not later than [REDACTED] 2020 and therefore is timely.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes, authorizes the Commissioner of the Department of Social Services to administer the SNAP in accordance with federal law.
2. Title 7 § 273.2 (d) (1) of the Code of Federal Regulations (“CFR”) provides in part that to determine eligibility, the application form must be completed and signed, the household or its authorized representative must be interviewed, and certain information on the application must be verified.
3. Title 7 § 273.2 (f) (1) (i) CFR provides for mandatory verifications and states in part that gross, non-exempt income shall be verified for all households prior to certification.
4. Title 7 CFR § 273.2 (f) (5)(i) provides in part that the household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information.
5. “The Department’s Uniform Policy Manual (“UPM”) is the equivalent of a state regulation and, as such, carries the force of law.” *Bucchere v Rowe*, 43 Conn Supp. 175 178 (194) (citing Conn. Gen. Stat. § 17b-10; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A.2d712(1990)).
6. UPM § 1540.05 C1 b provides that the Department requires verification of information when the Department considers it necessary to corroborate an assistance unit's statements pertaining to an essential factor of eligibility.
7. Title 7 CFR § 273.2 (b) (5) provides that the State agency shall provide each household at the time of application for certification and recertification with a notice that informs the household of the verification requirements the household must meet as part of the application process. The notice shall also inform the household of the State agency’s responsibility to assist the household in obtaining required verification provided the household is cooperating with the State agency as specified in (d) (1) of this section. The notice shall be written in clear and simple language and shall meet the bilingual requirements designated in § 272.4 (b) of this chapter. At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period to time the documents should cover.

8. UPM § 1015.05 (C) provides that the Department must tell the assistance unit what the unit has to do to establish eligibility when the Department does not have sufficient information to make an eligibility determination.

The Department was correct when it informed the Appellant during the interview on [REDACTED] 2019 that she must provide verification of earnings for both herself and her husband and proof of termination from his previous employers.

The Department was correct when it gave the Appellant a W1348 Verification We Need form requesting verification of earnings and proof of termination of prior employment.

The Department was incorrect when, after the Appellant had provided some of the information and the Department had reviewed the submitted material prior to the expiration of the standard of promptness, it did not advise the Appellant of information that remained outstanding and still needed to determine eligibility

9. Title 7 Section 273.2 (d)(1) provides that to determine eligibility, the application form must be completed and signed, the household or its authorized representative must be interviewed, and certain information on the application must be verified. If the household refuses to cooperate with the State agency in completing this process, the application shall be denied at the time of refusal. For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take actions that it can take and that are required to complete the application process. For example, to be denied for refusal to cooperate, a household must refuse to be interviewed not merely failing to appear for the interview. **If there is any question as to whether the household has merely failed to cooperate, as opposed to refused to cooperate, the household shall not be denied, and the agency shall provide assistance required by paragraph (c)(5) of this section.** The household shall also be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes and applications for recertification. Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until it cooperates with the State agency. The State agency shall not determine the household to be ineligible when a person outside of the household fails to cooperate with a request for verification. (Emphasis added)
10. UPM 1505.40 B 1 b 2 provides that if the applicant failed to complete the application without good cause and assistance cannot be granted, FS (SNAP) applications are denied on the thirtieth day following the date of application.

11. UPM 1505.40 C 2 a provides that the Department is responsible for incomplete applications if in the appropriate situation it has not offered assistance in completing application materials or obtaining verification where appropriate

The Department was incorrect when it stated that the Appellant had not cooperated fully with the application process and denied the Appellant's application for SNAP benefits.

The Department was incorrect when it denied the Appellant's application for SNAP benefits because after she had provided some of the requested information, the Department failed to inform her what she still needed to do to determine eligibility or make any attempt to obtain the outstanding information.

The Department was incorrect when it denied the Appellant's application for SNAP benefits because there is no evidence that the Appellant failed to cooperate with the application process.

DISCUSSION

The Appellant and her spouse have several employers and the Department is correct that eligibility cannot be determined without verification of earnings. The Department was also correct in requesting proof of the loss of a recently held job. The Appellant was given a list of the outstanding required proofs and returned with much of the information within 5 days. Within 10 days of the application, the Department reviewed the Appellant's documents and determined that some of the requested information had not been provided. The Department's representative testified that the Department was under no obligation to inform the Appellant of the information that was still outstanding but the Department's procedures state otherwise. UPM-P1505.40 8 specifically states that in the SNAP program, when some but not all of the necessary verification is received, the Department should allow a 10 day extension unless granting such an extension would cause the case to exceed the standard of promptness. Some of the requested information was received well before the standard of promptness. The Department had sufficient time to issue another 1348 or even to call the client and remind her of the outstanding information and establish a new due date, all still within the standard of promptness. The Department also had the option to contact the employers or the WorkNumber directly to obtain the information. However, contrary to its own procedures the Department took no further action and erroneously denied the application for failing to cooperate with the application process.

DECISION

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

ORDER

The Department is to reopen the Appellant's application for SNAP benefits effective [REDACTED] 2019 and issue a W1348 Verification We Need form with an additional ten days deadline to complete all of the outstanding requirements and provide any verification that remains outstanding.

Compliance with this decision is due by [REDACTED] 2020 and shall consist of documentation that the Appellant's application for SNAP benefits was reopened effective [REDACTED] 2019 and that she was advised of any outstanding documentation and given a ten day deadline to provide such information.



Maureen Foley-Roy,
Hearing Officer

Cc: Yecenia Acosta, DSS Operations Manager, Stamford
Lindsay Vallee, Hearing Liaison, DSS, Stamford

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, 55 Elm Street, Hartford, CT 06106 or the Commissioner of the Department of Social Services, 55 Farmington Avenue, 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.