

STATE OF CONNECTICUT  
DEPARTMENT OF SOCIAL SERVICES  
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS  
55 FARMINGTON AVENUE  
HARTFORD, CT 06105-3725

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

██████████  
Request # 142545

NOTICE OF DECISION

PARTY

██████████

PROCEDURAL BACKGROUND

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

██████████, 2019, the Appellant requested an administrative hearing to contest the denial of her application for SNAP benefits.

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

██████████, 2019, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing. The following individuals were present at the hearing:

██████████ ██████████ Appellant  
Lindsey Vallee, Department's Representative  
Veronica King, Hearing Officer

The hearing record was left open with the agreement of both parties for submission of additional documents. ██████████, 2019, the record closed.

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department was correct when it denied the Appellant's application for SNAP benefits on [REDACTED], 2019.

### **FINDINGS OF FACT**

1. [REDACTED], 2019, the Appellant applied to the Department SNAP benefits. The Appellant resided with her two adult children, ages [REDACTED] and [REDACTED]. (Hearing Record and Exhibit 1: W1EDD Eligibility Determination Document)
2. [REDACTED], 2019, the Appellant provided to the Department her current lease showing her address as [REDACTED] [REDACTED] [REDACTED] (Exhibit 7: Case Documents search, Exhibit 8: Received Documents and Appellant's Testimony)
3. [REDACTED] 2019, the Department conducted a SNAP interview and subsequently mailed a W1348 Proofs We Need form ("W1348") to [REDACTED], CT, requesting "proof that you have applied for disability payments" by [REDACTED] 2019. The notice also advised the Appellant that the Department would take action on her SNAP application by [REDACTED], 2019. (Exhibit 2: Form W-1348 dated [REDACTED]/19)
4. The Department did not send any additional W-1348s. (Department's Representative's Testimony)
5. [REDACTED], 2019, the Department received returned mail by the post office due to insufficient address. (Exhibit 5: Case Notes screen prints)
6. [REDACTED], 2019, the Department sent the Appellant an NOA advising her that her application for SNAP benefits was denied because she did not return all of the required proofs by the date we asked. (Exhibit 3: NOA dated [REDACTED]/19)
7. [REDACTED], 2019, the Department received documents related to health, disability, and insurance from the Appellant. Upon examination of the documents received, the Department issued a second NOA to the Appellant advising her that her application for SNAP benefits was denied because she did not fully cooperate with the eligibility process. (Exhibit 4: NOA dated [REDACTED]/19)
8. The Appellant did not receive any document from the Department at her address. (Appellant's Testimony)
9. [REDACTED] 2019, the Department received more returned mail by the post office. (Exhibit 7)

10. [REDACTED], 2019, the Appellant went to the Department's regional office to inquire about her application. The Department informed the Appellant that her application was denied because she did not provide verification of her long term disability unearned income. (Exhibit 5 and Hearing Record)
11. [REDACTED], 2019, the Appellant was at the Department's regional office to speak with a worker. The Appellant stated she came to the office on several occasions and provided all verification that the Department verbally requested. (Exhibit 5 and Hearing Record)
12. The Department determined that the Appellant provided all the necessary documents and grant the SNAP benefits effective [REDACTED], 2019. (Exhibit 5 and Hearing Record)
13. [REDACTED], 2019, the Department realized that the Appellant's address was incorrectly entered into the Department's eligibility system and corrected it. (Exhibit 5 and Hearing Record)
14. 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 requested for a fair hearing. The Appellant requested an administrative hearing on [REDACTED], 2019. Therefore, this decision is due not later than [REDACTED], 2019, and is timely. (Hearing Record)

### 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 program in accordance with federal law.
2. Title 7 of the Code of Federal Regulations ("CFR") section § 273.2 (c) (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. At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period of time the documents should cover.
3. "The Department's Uniform Policy Manual ("UPM") is the equivalent of state regulation and, as such, carries the force of law." *Bucchere v. Rowe*, 43 Conn. Supp. 175, 178 (1994) (citing Conn. Gen. Stat. § 17b-10; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A.2d 712 (1990)).

4. UPM § 1540.05(C) provides that the Department requires verification of information when specifically required by federal or State law or regulations; and when the Department considers it necessary to corroborate an assistance unit's statements pertaining to an essential factor of eligibility.
5. UPM § 1010.05(A)(1) provides that the assistance unit must supply the Department, in an accurate and timely manner as defined by the Department, all pertinent information and verification which the Department requires to determine eligibility and calculate the amount of benefits.

**The Department sent one W-1348 Proofs We Need form requesting, "Proof you applied for disability payments".**

**The Department sent the W-1348 Proofs We Need form to the wrong address.**

**It is not clear when the Department received all needed verifications.**

### **DISCUSSION**

As a result of the Alvarez vs. Aronson lawsuit, the Department made revisions to policy and procedures concerning the process of verification, [See UP-90-26; UPM § P-1540.10(4); Verification and Documentation Guidelines, 10/90]. One of these changes was the requirement that an Application Verification List (W-1348) be used when requesting verifications from an applicant. This requirement was instituted to make sure that the applicant had a clear understanding of exactly what verification is needed, the due dates, and other acceptable forms of verification. The regulations also provide for the mailing of additional W1348 forms where some of the information previously requested has been provided.

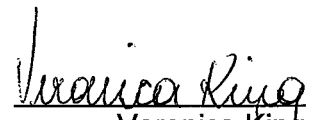
In the present case, the Department sent a faulty and incomplete W-1348 to the Appellant's wrong address, thus not giving proper notice to the Appellant of what she needs to do to establish eligibility.

**DECISION**

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

**ORDER**

1. The Department shall grant SNAP benefits for the Appellant effective as of the original application date of [REDACTED] 2019.
2. Proof of compliance with the above order shall be submitted to the undersigned no later than [REDACTED], 2019.

  
Veronica King  
Hearing Officer

cc: Yecenia Acosta, DSS Operation Manager, RO #32 Stamford  
Lindsey Vallee, DSS fair hearing liaison, RO #32 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 06105-3725.

### **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, 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.