

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

Client # [REDACTED]
Hearing # 143414

[REDACTED] 2019
Signature Confirmation

NOTICE OF DECISION

PARTY

[REDACTED]
[REDACTED]
[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED] 2019, the Department of Social Services (the "Department") sent [REDACTED] (the "Appellant"), a notice of action granting her Supplemental Nutrition Assistance Program ("SNAP") benefits effective [REDACTED], 2019.

On [REDACTED], 2019, the Appellant requested an administrative hearing to contest the effective date of the SNAP benefits.

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

On [REDACTED] 2019, the Appellant requested a continuance which OLCRAH granted.

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

On [REDACTED] 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.

The following individuals were present at the hearing:

[REDACTED], Appellant

Jacqueline Taft, Department's Representative
Thomas Monahan, Hearing Officer

The hearing was held open for additional evidence from the Department and the Appellant. Additional evidence was received. The hearing record closed on [REDACTED] 2019.

STATEMENT OF ISSUE

The issue to be decided is whether the Department's decision to grant the Appellant's SNAP benefits effective [REDACTED], 2019, was correct.

FINDINGS OF FACT

1. On [REDACTED], 2019, the Appellant applied for SNAP assistance for a household of one. (Hearing Record)
2. On [REDACTED] 2019, the Department granted expedited SNAP benefits for the Appellant for the months of [REDACTED] 2019. The Department's notice stated that in order to keep receiving SNAP after [REDACTED] 2019 a telephone interview must be completed. (Exhibit 2: Notice of Action, [REDACTED]/19)
3. On [REDACTED], 2019, the Department conducted a SNAP telephone interview with the Appellant. (Exhibit 3: Case notes)
4. On [REDACTED], 2019, the Department sent the Appellant a Proofs We Need form requesting verification of rent and if the Appellant was employed and details and proof of the employment. (Exhibit 1: Proofs We Need, [REDACTED]/19)
5. On [REDACTED] 2019, the Appellant's SNAP benefits closed because wages were not verified. (Hearing record)
6. On [REDACTED] 2019, the Appellant brought an employment letter and shelter expense verification to the office. The employment letter stated that the Appellant worked flexible hours not exceeding 20 hours per week and not earning more than \$600.00 per month. The letter also stated that the Department may call the employer with any questions. The Department did not accept the employment letter and requested verification of actual wages. (Appellant's testimony, Exhibit 3: Case Notes)
7. The Appellant had difficulty verifying the wages. Her pay was placed on a cash card and she originally did not receive pay stubs. (Appellant's testimony, Appellant's Exhibit A: text messages)
8. The Appellant did not have a steady work schedule. (Appellant's testimony)

9. The Appellant did not provide verification of wages received. (Hearing record)
10. On [REDACTED] 2019, the Appellant reapplied for SNAP in the office. At the interview, the Appellant reported no income. At the interview the Department called the Appellant's former employer and verified that the end date of employment for the Appellant was [REDACTED], 2019. (Exhibit 3: Case notes)
11. On [REDACTED] 2019, the Department sent the Appellant a notice approving SNAP benefits effective [REDACTED], 2019. (Exhibit 5: Notice of Action, [REDACTED]/19)
12. The Appellant is requesting SNAP benefits effective [REDACTED] 2019. (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 in accordance with federal law.
2. Title 7 of the CFR § 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.
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 (194) (citing Conn. Gen. Stat. § 17b-10; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A.2d712(1990)).
4. Uniform Policy Manual ("UPM") § 1515.05(A) provides that the Department determines SNAP eligibility on an expedited basis in cases where the assistance unit's rent plus utility costs exceed its total monthly gross income.
5. UPM 1515.20(B)(1) provides that expedited service eligible assistance units from whom mandatory verification requirements are postponed are certified for the month of application and the following month if the application is made after the 15th day of the calendar month.
6. UPM 1515.20(C) assistance units certified for two months for whom a work registration or verification requirement is postponed must be notified of the following:
 1. that the benefits for the second month will not be issued until the postponed requirement has been completed; and
 2. if verification results in a change in eligibility or benefit level that action is taken without notice of adverse action.
7. The Department correctly granted Expedited SNAP benefits.

8. UPM § 1010.05(A)(1) provides in part 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.

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.

9. 7 CFR § 273.2(h)(i)(C) provides for cases where verification is incomplete, the State agency must have provided the household with a statement of required verification and offered to assist the household in obtaining required verification and allowed the household sufficient time to provide the missing verification. Sufficient time shall be at least 10 days from the date of the State agency's initial request for the particular verification that was missing.
10. The Department correctly sent the Appellant a Verification We Need form requesting proof of her wages and shelter expenses.
11. 7 CFR 273.2(f)(5)(i) provides that the household has primary responsibility for providing documentary evidence to support statements the application and to resolve any questionable information.
12. UPM § 1505.40(C)(1) provides that the applicant is considered responsible for incomplete applications if the Department has taken the following actions:
 - a. Offered assistance in completing application materials or procuring difficult to obtain verification;
 - b. Scheduled a second interview for applicants who failed to appear for the first scheduled interview but who contacted the Department to reschedule;
 - c. With the exception of (3) below has allowed at least 10 days from the date if notifies the applicant of a required action for the applicant to complete the action, including requests to provide verification.

There is no evidence that the Department offered the Appellant assistance in obtaining wage verification that the Appellant was having difficulty in obtaining.

13. UPM § 1505.45 provides that applicants who failed to complete the application and were denied on the thirtieth day following the date of the application, are given an additional thirty days to take the required action before requiring them to file a new application.
14. UPM § 1505.45 (A)(A) (3) provides that a reopened case is entitled to benefits

beginning the date the applicant provides the necessary information or takes the necessary action to complete the application process.


15. When the Appellant came to the office on [REDACTED] 2019, the Department did not offer to assist her. The Department did not give her anything in writing for her employer to complete or any written verification request for the Appellant.
16. The Appellant attempted to provide the written verifications on [REDACTED] 2019. The Department did accept the employment letter or call the employer or offer any assistance to the Appellant. The Department assisted the Appellant in calling the employer in [REDACTED].
17. The letter stated that monthly earnings were \$600.00 or less but the Department took no action when the letter was received.
18. On [REDACTED], 2019 the Appellant provided information that allowed the Department to complete the application process.

DECISION

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

ORDER

1. The Department will reopen the Appellant's SNAP benefits to [REDACTED] 2019, and determine eligibility from [REDACTED] 2019 through [REDACTED] 2019.
2. Compliance with this order is due no later than 15 days from the date of this decision.



Thomas Monahan
Hearing Officer

C: Rachel Anderson, Operations Manager, New Haven Regional Office
Cheryl Stuart, Operations Manager, New Haven Regional Office
Lisa Wells, Operations Manager, New Haven Regional Office
Jacqueline Taft, Hearing Liaison, New Haven Regional Office

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, law, and 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, if 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 06105-3725. 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.