

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

██████████ 2019
Signature confirmation

Case: ██████████
Client: ██████████
Request: 143829

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2019, the Department of Social Services (the "Department") issued ██████████
██████████ (the "Appellant") a notice denying her household's Supplemental Nutrition Assistance
Program ("SNAP") application.

On ██████████ 2019, the Office of Legal Counsel, Regulations, and Administrative Hearings
("OLCRAH") received the Appellant's telephoned request for an administrative hearing.

On ██████████ 2019, the OLCRAH issued a notice scheduling the administrative hearing for
██████████, 2019.

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

██████████, Appellant
██████████, Appellant's witness (mother)
██████████, Appellant's witness
Princess O'Reggio, Department's representative
Xiomara Natal, Department's representative
Eva Tar, Hearing Officer

The administrative hearing record closed ██████████ 2019.

STATEMENT OF ISSUE

The issue to be decided is whether on [REDACTED] 2019 the Department correctly denied the Appellant's [REDACTED] 2019 SNAP application.

FINDINGS OF FACT

1. Since [REDACTED] 2019, the Appellant has resided at [REDACTED] (the "residence"). (Appellant's testimony)
2. On [REDACTED], 2019, the Department received the Appellant's on-line SNAP application, requesting assistance for the Appellant and the Appellant's [REDACTED]-year-old grandchild. (Department's Exhibit 2)
3. The Appellant's [REDACTED] 2019 SNAP application identified [REDACTED] (the "mother"), the mother of the Appellant's grandchild, as a legally liable relative who did not live at the Appellant's residence. (Department's Exhibit 2)
4. The Department received conflicting information from the mother as to the composition of the Appellant's household; the mother reported to the Department that she also resided in the Appellant's residence. (Department's Exhibit 1)
5. On [REDACTED], 2019, the mother was not present in the Appellant's residence during a home visit conducted by a Department investigator. (Department's Exhibit 1)
6. On [REDACTED] 2019, a Department of Children and Families employee confirmed to a Department caseworker that on [REDACTED] 2019, the employee had interviewed the mother at the Appellant's residence. (Department's Exhibit 1)
7. On [REDACTED], 2019, the Department denied the Appellant's [REDACTED] 2019 SNAP application, citing a failure to fully cooperate in the eligibility process. (Department's Exhibit 3)
8. On or around [REDACTED] 2019, the mother reported to the Department that she was living at an address that was different from the Appellant's. (Department's representative's testimony)
9. On [REDACTED] 2019, the Appellant submitted to the Department [REDACTED] 2019 correspondence originated by the [REDACTED] confirming an adjustment in the Appellant's contract rent retroactive to [REDACTED] 2019 due to an interim change in her family income and/or composition. (Appellant's Exhibit A)(Appellant's Exhibit B)
10. On [REDACTED] 2019, the Appellant submitted to the Department a letter from her landlord acknowledging that the mother was no longer on the residence's lease. (Appellant's Exhibit C)
11. Title 7, Code of Federal Regulations ("C.F.R.") 273.15 (c) provides that within 60 days of receipt of a request for a SNAP fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision. On [REDACTED] 2019, the OLCRAH received the Appellant's

telephoned hearing request. This final decision was not due until [REDACTED], 2019. This decision is timely.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes in part designates the Department of Social Services “as the state agency for the administration of ... (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008....” Conn. Gen. Stat. § 17b-2.

“Application for aid under the ... supplemental nutrition assistance program shall be made to the Commissioner of Social Services. The name and address of each such applicant shall be recorded with the commissioner....” Conn. Gen. Stat. § 17b-77 (a).

The Department had the authority to review the Appellant’s [REDACTED] 2019 SNAP application to determine if she met the eligibility requirements of the program.

2. Title 7, Section 273.1 (b)(1) of the Code of Federal Regulations (“C.F.R.”) provides in part:

The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified. (i) Spouses; (ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s);....

7 C.F.R. § 273.1 (b)(1).

If the mother lived with her [REDACTED]-year-old son (the Appellant’s grandchild), then the mother would be a mandatory member of any SNAP assistance unit of which the [REDACTED]-year-old belonged.

The Department correctly determined that an assessment of the Appellant’s household composition was necessary as part of determining the household’s eligibility to participate in the SNAP.

3. “State agencies shall verify factors affecting the composition of a household, if questionable.” 7 C.F.R. § 273.2 (f)(1)(x).

“The State agency shall verify, prior to certification of the household, all other factors of eligibility which the State agency determines are questionable and affect the household’s eligibility and benefit level....” 7 C.F.R. § 273.2 (f)(2)(i).

During the pendency of the Appellant’s [REDACTED] 2019 SNAP application, the Appellant’s household composition was questionable, as the Department had received conflicting information as to where the mother of the Appellant’s grandchild lived.

4. Title 7, Section 273.2 (f)(4)(iv) of the Code of Federal Regulations provides:
Discrepancies. Where unverified information from a source other than the household contradicts statements made by the household, the household shall

be afforded a reasonable opportunity to resolve the discrepancy prior to a determination of eligibility or benefits. The State agency may, if it chooses, verify the information directly and contact the household only if such direct verification efforts are unsuccessful....

7 C.F.R. § 273.2 (f)(4)(iv).

The mother's reports were unverified information from a source other than the Appellant which contradicted statements made by the Appellant on the Appellant's ██████████ 2019 SNAP application.

5. Collateral contact is permitted to confirm a household's circumstances by a person outside of the household. "Examples of acceptable collateral contacts may include employers, landlords, *social service agencies*, migrant service agencies, and neighbors of the household who can be expected to provide accurate third-party verification...." 7 C.F.R. § 273.2 (f)(4)(ii) (emphasis added).

It cannot be conclusively determined from the hearing record whether the mother lived in the Appellant's residence in the relevant period of ██████████ 2019 through ██████████ 2019. Collateral contact to clarify documents submitted by the Appellant for the administrative hearing is warranted.

DISCUSSION

On ██████████ 2019, the Department denied the Appellant's ██████████ 2019 SNAP application as that agency had received conflicting information as to the Appellant's household composition.

The Appellant testified that the Appellant moved into the unit with her grandchild in ██████████ 2019, and that although the mother of the grandchild was on the unit's lease, the mother did not complete a move into the Appellant's unit.

The Appellant submitted an ██████████ 2019 letter from her landlord that identified the Appellant and the grandchild as "the only residents at [the address] since the [Appellant] leased the unit" and that "[the mother] had been previously removed from the lease...." Further, the Appellant submitted ██████████ 2019 correspondence from the ██████████ ██████████ that indicated that the Appellant's household income and/or composition had changed. Due to the change, the ██████████ had applied a rental subsidy credit retroactive to ██████████ 2019.

The Department should reopen the Appellant's ██████████ 2019 SNAP application and clarify the substance of the change in the Appellant's household income and/or composition as honored by the ██████████ retroactively to ██████████ 2019.

DECISION

This matter is REMANDED to the Department for additional action.

ORDER

1. The Department will rescreen the Appellant's [REDACTED] 2019 SNAP application.
2. The Department will seek clarification from the [REDACTED] as to the reason for the Appellant's rental subsidy change effective [REDACTED] 2019: i.e. who were the individuals removed—or added—to the Appellant's household.
3. Upon receiving clarification, the Department will act to process the Appellant's SNAP case.
4. Within 21 calendar days of the date of this decision, or [REDACTED] 2019, documentation of compliance with this order is due to the undersigned.

Eva Tar - electronic signature
Eva Tar
Hearing Officer

Pc: Princess O'Reggio, DSS-Bridgeport
Xiomara Natal, DSS-Bridgeport
Fred Presnick, DSS-Bridgeport
Yecenia Acosta, DSS-Bridgeport
Tim Latifi, DSS-Bridgeport

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 Legal Counsel, Regulations, and Administrative Hearings, 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, 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 his 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.