

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

Client ID # ██████████
Request # 144116

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2019, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) denying her application for benefits from the Supplemental Nutrition Assistance Program (“SNAP”) because she did not fully cooperate with the eligibility process.

On ██████████, 2019, the Appellant requested an administrative hearing to appeal the denial of her SNAP application.

On ██████████ 2019, the Office of Legal Counsel, Regulations, and Administrative Hearings (“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, OLCRAH held an administrative hearing. The following individuals were present at the hearing:

██████████, the Appellant
Debra James, Department’s Representative
Jacqueline Taft, Department’s Representative
James Hinckley, Hearing Officer

STATEMENT OF THE ISSUE

1. The issue is whether the Department correctly denied the Appellant's SNAP application on [REDACTED], 2019.

FINDINGS OF FACT

1. On [REDACTED], 2019, the Appellant filed an online application for benefits with the Department. (Ex. 1: Online application form)
2. The application form was unclear regarding what Department program(s) the Appellant wanted to apply for. The application asked for help from other Agencies including DDS (the Department of Developmental Services), BRS (the Department of Rehabilitative Services' Bureau of Rehabilitative Services) and SSI (the Social Security Administration's Supplemental Security Income program). (Ex. 1)
3. On [REDACTED], 2019, an eligibility worker called the Appellant and determined she was interested in receiving SNAP. Even though her application form did not specifically request SNAP, the Department considered it a SNAP application based on the telephone conversation. The SNAP application interview was completed during the same telephone conversation. (Ex. 1, Hearing Summary, Ex. 7: Case Notes)
4. The Appellant reported on the application form, and in her interview answers, that her husband was self-employed as an independent contractor, and that his income was irregular. She reported monthly income for him of \$6,005.00 on the form and \$2,900.00 during the telephone interview. (Ex. 1, Ex. 7)
5. The Appellant reported on the application form, and in her interview answers, that she was self-employed. She reported being an urban gardener since [REDACTED] 2018, but reported receiving only negligible income from self-employment. (Ex.1, Ex. 7, Appellant's testimony)
6. On [REDACTED], 2019, the Department requested certain items of verification from the Appellant. The Department asked for proof of self-employment income for both the Appellant and her husband. The written request listed several forms of proof that were acceptable such as business records, tax records, last tax return and receipts of business income and expenses. The Department also mailed the Appellant two self-employment report forms, one for her and one for her husband. The forms were an alternative acceptable form of proof for the self-employment. The due date to return the proof was [REDACTED], 2019. (Ex.2: W-1348 *Proofs We Need* form, Ex. 3: self-employment report form for the Appellant, Ex. 4: self-employment report form for the Appellant's husband)

7. The only response the Department received to its request was an uncompleted self-employment report form uploaded by the Appellant, a copy of the blank form she was sent to report the income from her urban gardening business. (Ex. 6: Case Document search results for Appellant's Case ID#, Blank Self-Employment report form)
8. During the period from [REDACTED], 2019, the date the Appellant's application was filed, to [REDACTED] 2019, which was 30 days later, the Department did not receive proof of either the Appellant's income or the Appellant's husband's income. (Hearing Record)
9. On [REDACTED] 2019, the Department issued a NOA to the Appellant denying her application for SNAP because she did not fully cooperate with the application process. (Ex. 5: NOA dated [REDACTED] 2019)

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. 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, 177 (1994) (citing Conn. Gen. Stat. 17-3f(c) [now 17b-10]; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A. 2d 712(1990)
3. "To determine eligibility, the application form must be completed and signed...and certain information on the application must be verified...." Section 273.2(d)(1) of Title 7 of the Code of Federal Regulations ("CFR")

"Verification is the use of documentation...to confirm the accuracy of statements or information. The State agency must give households at least 10 days to provide required verification...." 7 CFR § 273.2(f)

"Gross nonexempt income shall be verified for all households prior to certification...." 7 CFR § 273.2(f)(1)(i)

"Case files must be documented to support eligibility, ineligibility, and benefit level determinations. Documentation shall be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination." 7 CFR § 273.2(f)(6)

The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information...." 7 CFR § 273.2(f)(5)

4. “The following promptness standards are established as maximum time periods for processing applications: a. thirty calendar days for eligible FS applicants that do not qualify for expedited service...” UPM § 1505.35 (C)

“The Department determines eligibility within the standard of promptness without exception for the FS program.” UPM § 1505.35(D)(1)

5. **The Department processed the Appellant’s application in accordance with the relevant SNAP regulations. A household’s SNAP eligibility cannot be certified until its gross income is verified. The Appellant declared at the time of her application that both she and her husband were self-employed, so the income from self-employment needed to be verified. The Department could not assist the Appellant with acquiring the verification because no other party besides the Appellant and her husband had access to the information. The Appellant was given more than ten days to provide the required verification and, after she did not provide it within the SNAP processing standard of thirty calendar days, the application was properly denied.**

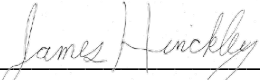
DISCUSSION

The Appellant wanted to discuss whether one or more members of her household qualified as “disabled”. The decision does not address this question because it is not relevant to the hearing issue. The Appellant correctly noted in her testimony that having a disabled household member can affect the SNAP benefit calculation – SNAP households with disabled members are allowed a (potentially) higher shelter expense deduction, because there is no cap on the deduction. But the Appellant’s SNAP eligibility did not hinge on the amount of an income deduction; her application was denied for a completely different reason.

Regulations forbid the granting of SNAP until the household’s income is verified. The Department is required to make a decision on any SNAP application by no later than thirty days after the date of the application. When the Appellant did not provide proof of both her and her husband’s self-employment income within the thirty days, the Department had no choice other than to deny the application.

DECISION

The Appellant’s appeal is **DENIED.**


James Hinckley
Hearing Officer

cc: Debra James
Jacqueline Taft
Rachel Anderson
Cheryl Stuart
Lisa Wells

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.